

At the request of JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4038**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon de-
2 lete the rest of the line and insert “creating new provisions; amending ORS
3 408.230; and declaring an emergency.”.

4 On page 3, after line 11, insert:

5 **“SECTION 6. Notwithstanding any other law limiting expenditures,
6 the limitation on expenditures established by section 2 (1), chapter 585,
7 Oregon Laws 2017, for the biennium ending June 30, 2019, as the max-
8 imum limit for payment of expenses from lottery funds allocated from
9 the Veterans’ Services Fund established under ORS 406.140, to the
10 Department of Veterans’ Affairs, is increased by \$136,531 for carrying
11 out the provisions of section 5 of this 2018 Act.**

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13 **“VETERANS’ PREFERENCE IN PUBLIC EMPLOYMENT**

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15 **“SECTION 7. ORS 408.230 is amended to read:**

16 “408.230. (1) A public employer shall grant a preference to a veteran or
17 disabled veteran who applies for a vacant civil service position or seeks
18 promotion to a civil service position with a higher maximum salary rate and
19 who:

20 “(a)(A) Successfully completes an initial application screening or an ap-
21 plication examination for the position; or

1 “(B) Successfully completes a civil service test the employer administers
2 to establish eligibility for the position; and

3 “(b) Meets the minimum qualifications and any special qualifications for
4 the position.

5 “(2) The employer shall grant the preference in the following manner:

6 “(a) For an initial application screening used to develop a list of persons
7 for interviews, the employer shall add five preference points to a veteran’s
8 score and 10 preference points to a disabled veteran’s score.

9 “(b) For an application examination, given after the initial application
10 screening, that results in a score, the employer shall add preference points
11 to the total combined examination score without allocating the points to any
12 single feature or part of the examination. The employer shall add five pref-
13 erence points to a veteran’s score and 10 preference points to a disabled
14 veteran’s score.

15 “(c) For an application examination that consists of an interview, an
16 evaluation of the veteran’s performance, experience or training, a
17 supervisor’s rating or any other method of ranking an applicant that does
18 not result in a score, the employer shall give a preference to the veteran or
19 disabled veteran. An employer that uses an application examination of the
20 type described in this paragraph shall devise and apply methods by which the
21 employer gives special consideration in the employer’s hiring decision to
22 veterans and disabled veterans.

23 “(3) Preferences of the type described in subsection (1) of this section are
24 not a requirement that the public employer appoint a veteran or disabled
25 veteran to a civil service position.

26 “(4) A public employer shall appoint an otherwise qualified veteran or
27 disabled veteran to a vacant civil service position if the results of a veteran’s
28 or disabled veteran’s application examination, when combined with the
29 veteran’s or disabled veteran’s preference, are equal to or higher than the
30 results of an application examination for an applicant who is not a veteran

1 or disabled veteran.

2 “(5) If a public employer does not appoint a veteran or disabled veteran
3 to a vacant civil service position, upon written request of the veteran or
4 disabled veteran, the employer, in writing, shall provide the employer’s rea-
5 sons for the decision not to appoint the veteran or disabled veteran to the
6 position. The employer may base a decision not to appoint the veteran or
7 disabled veteran solely on the veteran’s or disabled veteran’s merits or
8 qualifications with respect to the vacant civil service position.

9 “(6) Violation of this section is an unlawful employment practice.

10 “(7) A veteran or disabled veteran claiming to be aggrieved by a violation
11 of this section may file a verified written complaint with the Commissioner
12 of the Bureau of Labor and Industries in accordance with ORS 659A.820.

13 **“(8) For purposes of this section, ‘disabled veteran’ includes a per-**
14 **son who is receiving service-connected compensation from the United**
15 **States Department of Veterans Affairs under 38 U.S.C. 1110 or 1131.”.**

16 In line 15, delete “6” and insert “8”.

17 Delete lines 18 through 22 and insert:

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19 **“EMERGENCY CLAUSE**

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21 **“SECTION 9. This 2018 Act being necessary for the immediate**
22 **preservation of the public peace, health and safety, an emergency is**
23 **declared to exist, and this 2018 Act takes effect on its passage.”.**

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