

A-Engrossed
House Bill 2026

Ordered by the House April 5
Including House Amendments dated April 5

Sponsored by Representative OWENS (at the request of Eastern Oregon Border Economic Development Board)
(Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires public employers to give preferences to residents of Eastern Oregon Border Economic Development Region for civil service positions if majority of work of position will be performed within region.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to resident preferences in employment; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 284.771 to 284.801.

SECTION 2. (1) As used in this section:

(a) "Civil service position" means any position, regardless of whether it is labeled a "civil service position," for which a hiring or promotion decision is made or required to be made based on the results of a merit based, competitive process that includes, but is not limited to, consideration of an applicant's or employee's relative ability, knowledge, experience and other skills.

(b) "Public employer" means a public body, as defined in ORS 174.109, and any person authorized to act on behalf of the public body, with respect to the control, management or supervision of any employee of the public body.

(c) "Resident applicant" means an applicant for a civil service position whose primary residence is located within the Eastern Oregon Border Economic Development Region.

(2) This section applies to a civil service position if the majority of the work of the position will be performed within the Eastern Oregon Border Economic Development Region.

(3) A public employer shall grant a preference to any resident applicant for a vacant civil service position, or for promotion to a civil service position with a higher maximum salary rate, who:

(a)(A) Successfully completes an initial application screening or an application examination for the position; or

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) The public employer shall grant the preference in the following manner:

2 (a) For an initial application screening used to develop a list of persons for interviews,
3 the public employer shall add five percentage points to a resident applicant's score.

4 (b) For an application examination, given after the initial application screening, that re-
5 sults in a score, the public employer shall add five percentage points to the total combined
6 examination score of a resident applicant without allocating the points to any single feature
7 or part of the examination.

8 (c) For an application examination that consists of an interview, an evaluation of the
9 resident applicant's performance, experience or training, a supervisor's rating or any other
10 method of ranking an applicant that does not result in a score, the public employer shall give
11 a preference to the resident applicant. A public employer that uses an application examina-
12 tion of the type described in this paragraph shall devise and apply methods by which the
13 public employer gives special consideration in the public employer's hiring decision to resi-
14 dent applicants.

15 (5) Except as provided in subsection (6) of this section, the system of giving preferences
16 under this section does not require a public employer to appoint a resident applicant to a
17 civil service position.

18 (6) A public employer shall appoint an otherwise qualified resident applicant to a vacant
19 civil service position if the results of the resident applicant's application examination, when
20 combined with the resident applicant's preference percentage points, are equal to or higher
21 than the results of an application examination for an applicant who is not a resident appli-
22 cant.

23 (7) If a public employer does not appoint a resident applicant to a vacant civil service
24 position, upon written request of the resident applicant, the public employer shall provide a
25 written explanation of the public employer's decision not to appoint the resident applicant
26 to the position. The public employer may base a decision not to appoint the resident applicant
27 solely on the resident applicant's merits or qualifications with respect to the vacant civil
28 service position.

29 (8) Violation of this section is an unlawful employment practice.

30 (9) A resident applicant claiming to be aggrieved by a violation of this section may file a
31 verified written complaint with the Commissioner of the Bureau of Labor and Industries in
32 accordance with ORS 659A.820.

33 (10) Nothing in this section precludes or preempts the policy of a jurisdiction, any part
34 of which is located within the Eastern Oregon Border Economic Development Region, that
35 is equally or more protective of local applicants for civil service positions.

36 **SECTION 3.** Section 2 of this 2021 Act applies to any hiring process subject to section 2
37 of this 2021 Act that begins on or after the effective date of this 2021 Act.

38 **SECTION 4.** This 2021 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
40 on its passage.