

Enrolled Senate Bill 184

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CHAPTER

AN ACT

Relating to preference given to veterans in public employment; amending ORS 408.230 and 408.235.

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

SECTION 1. ORS 408.230 is amended to read:

408.230. (1) A public employer shall grant a preference to a veteran or disabled veteran who applies for a vacant civil service position or seeks promotion to a civil service position with a higher maximum salary rate and 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 employer administers to establish eligibility for the position; and

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

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

(a) For an initial application screening used to develop a list of persons for interviews, the employer shall add five [*preference*] **percentage** points to a veteran's score and 10 [*preference*] **percentage** points to a disabled veteran's score.

(b) For an application examination, given after the initial application screening, that results in a score, the employer shall add **the** preference [*points*] to the total combined examination score without allocating the [*points*] **preference** to any single feature or part of the examination. The employer shall add five [*preference*] **percentage** points to a veteran's score and 10 [*preference*] **percentage** points to a disabled veteran's score.

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

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

(4) A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of a veteran's or disabled veteran's application examination,

when combined with the veteran's or disabled veteran's preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.

(5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service position, upon written request of the veteran or disabled veteran, the employer, in writing, shall provide the employer's reasons for the decision not to appoint the veteran or disabled veteran to the position. The employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil service position.

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

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

(8) For purposes of this section, "disabled veteran" includes a person who is receiving service-connected compensation from the United States Department of Veterans Affairs under 38 U.S.C. 1110 or 1131.

SECTION 2. ORS 408.235 is amended to read:

408.235. (1) A veteran is eligible to use the preference provided for in ORS 408.230 for a civil service position for which application is made at any time after discharge or release from service in the Armed Forces.

(2) An individual is treated as a veteran for purposes of the preference provided for in ORS 408.230 if the individual:

(a) Meets the definition of "veteran" under ORS 408.225 except for the requirement that the individual was discharged or released under honorable conditions; and

(b) Submits a certification to the public employer that the individual is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification.

(3) An individual is treated as a disabled veteran for purposes of the preference provided for in ORS 408.230 if the individual:

(a) Meets the definition of "veteran" under ORS 408.225 except for the requirement that the individual was discharged or released under honorable conditions; and

(b) Submits a certification to the public employer that the individual is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification.

Passed by Senate March 4, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 26, 2021

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State