

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2856**

1 In line 2 of the printed bill, before the period insert “; amending ORS
2 408.225, 408.235 and 408.237”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 408.235 is amended to read:

5 “408.235. (1) A veteran is eligible to use the preference provided for in
6 ORS 408.230 for a civil service position for which application is made at any
7 time after discharge or release from service in the Armed Forces.

8 **“(2) A veteran must provide evidence of eligibility for the preference**
9 **at the time the veteran makes application for the position. Evidence**
10 **may include federal DD Form 214 or 215, official records of**
11 **entitlements from the United States Department of Veterans Affairs**
12 **or any other documentation demonstrating preference eligibility.**
13 **Failure to provide evidence at the time of application will disqualify**
14 **the veteran from requesting use of the preference in the public**
15 **employer’s consideration of the veteran’s application for the position.**

16 **“SECTION 2.** ORS 408.237 is amended to read:

17 “408.237. (1) As used in this section:

18 “(a) ‘Eligibility list’ means a list of ranked eligible candidates for a civil
19 service position who have become eligible for the position through a test or
20 series of tests and who will be considered for the civil service position in
21 ranked order.

1 “(b) ‘Transferable skill’ means a skill that a veteran has obtained through
2 military education or experience that substantially relates, directly or indi-
3 rectly, to the civil service position for which the veteran is applying.

4 “(2) When an interview is a component of the selection process for a civil
5 service position or for an eligibility list for a civil service position, a public
6 employer shall interview each veteran:

7 “(a) Whom the public employer determines meets the minimum qualifica-
8 tions and special qualifications for the civil service position or eligibility
9 list; and

10 “(b) Who submits application materials that the public employer deter-
11 mines show sufficient evidence that the veteran has the transferable skills
12 required and requested by the public employer for the civil service position
13 or eligibility list.

14 “[(3) *A public employer is not required to comply with subsection (2) of this*
15 *section if the employer conducts interviews only as part of the process of se-*
16 *lecting a candidate for a civil service position from an eligibility list.*]

17 “**(3) If a public employer does not interview a veteran who applies**
18 **for a civil service position, the public employer shall, within 14 days**
19 **of the decision not to interview the veteran, provide to the veteran a**
20 **written explanation of the employer’s reasons for the decision not to**
21 **interview the veteran.**

22 “(4) A public employer may consult with the Oregon Military Department
23 and the Department of Veterans’ Affairs to determine whether certain mili-
24 tary education or experience produces a transferable skill.

25 “(5) The Department of Veterans’ Affairs shall provide training to veter-
26 ans on how to show evidence of transferable skills in an application for a
27 civil service position or eligibility list.

28 “(6) Violation of subsection (2) of this section is an unlawful employment
29 practice under ORS chapter 659A.

30 “(7) A veteran claiming to be aggrieved by a violation of subsection (2)

1 of this section may file a complaint under ORS 659A.820.

2 **“SECTION 3.** ORS 408.225 is amended to read:

3 “408.225. (1) As used in ORS 408.225 to 408.237:

4 “(a)(A) ‘Civil service position’ means any position for which a hiring or
5 promotion decision is made or required to be made based on the results of
6 a merit based, competitive process that includes, but is not limited to, con-
7 sideration of an applicant’s or employee’s relative ability, knowledge, expe-
8 rience and other skills.

9 “(B) A ‘civil service position’ need not be labeled a ‘civil service
10 position.’

11 “(b) ‘Combat zone’ means an area designated by the President of the
12 United States by executive order in which, on the dates designated by exec-
13 utive order, the Armed Forces of the United States are or have engaged in
14 combat.

15 “(c) ‘Disabled veteran’ means a veteran who has a disability rating from
16 the United States Department of Veterans Affairs, a veteran whose discharge
17 or release from active duty was for a disability incurred or aggravated in the
18 line of duty or a veteran who was awarded the Purple Heart for wounds re-
19 ceived in combat.

20 “(d) ‘Honorable conditions’ [*has the meaning given that term in rules*
21 *adopted by the Department of Veterans’ Affairs.*] **means:**

22 **“(A) A character of service recognized as honorable by the United**
23 **States Department of Defense; or**

24 **“(B) A character of service that is recognized by the United States**
25 **Department of Veterans Affairs as honorable for purposes of the de-**
26 **partment.**

27 “(e) ‘Public employer’ means a public body, as that term is defined in ORS
28 174.109, and any person authorized to act on behalf of the public body, with
29 respect to control, management or supervision of any employee.

30 “(f) ‘Veteran’ means a person who:

1 “(A) Served on active duty with the Armed Forces of the United
2 States[:]

3 “[*i*] for a period of more than 90 consecutive days beginning on or before
4 January 31, 1955, and was discharged or released under honorable conditions;

5 “[*ii*] **(B) Served on active duty with the Armed Forces of the**
6 **United States** for a period of more than 178 consecutive days beginning af-
7 ter January 31, 1955, and was discharged or released from active duty under
8 honorable conditions;

9 “[*iii*] *For 178 days or less and was discharged or released from active duty*
10 *under honorable conditions because of a service-connected disability;*]

11 “[*iv*] *For 178 days or less and was discharged or released from active duty*
12 *under honorable conditions and has a disability rating from the United States*
13 *Department of Veterans Affairs; or]*

14 “[*v*] *For at least one day in a combat zone and was discharged or released*
15 *from active duty under honorable conditions;*]

16 **“(C) Served on active duty with the Armed Forces of the United**
17 **States for 178 days or less, was discharged or released from active duty**
18 **and has a disability rating from the United States Department of**
19 **Veterans Affairs or documented proposed disability from the United**
20 **States Department of Defense;**

21 **“(D) Served on active duty with the Armed Forces of the United**
22 **States or on orders issued under Title 32 of the United States Code and**
23 **was discharged or released from active duty under honorable condi-**
24 **tions, if such active duty was served for at least one day:**

25 **“(i) Outside the continental United States; or**

26 **“(ii) On domestic deployment for other than training purposes;**

27 “[*B*] **(E) Received a combat or campaign ribbon or an expeditionary**
28 **medal for service in the Armed Forces of the United States and was dis-**
29 **charged or released from active duty under honorable conditions; [or]**

30 “[*C*] **(F) Is receiving a nonservice-connected pension from the United**

1 States Department of Veterans Affairs[.]; or

2 **“(G) Served under honorable conditions as a member of a reserve**
3 **component and is receiving or is eligible to receive retirement benefits.**

4 *“(2) As used in [subsection (1)(f) of] this section[, ‘active duty’ does not*
5 *include attendance at a school under military orders, except schooling incident*
6 *to an active enlistment or a regular tour of duty, or normal military training*
7 *as a reserve officer or member of an organized reserve or a National Guard*
8 *unit.]:*

9 **“(a) ‘Active duty’ includes active duty for training by a member of**
10 **a reserve component only if the training period is greater than 180**
11 **consecutive days.**

12 **“(b) ‘Reserve component’ means:**

13 **“(A) The Army Reserve;**

14 **“(B) The Navy Reserve;**

15 **“(C) The Marine Corps Reserve;**

16 **“(D) The Air Force Reserve;**

17 **“(E) The Coast Guard Reserve;**

18 **“(F) The Army National Guard of the United States; and**

19 **“(G) The Air National Guard of the United States.”.**

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