

**Testimony in Response to HB 2856-1
on behalf of the Oregon State Bar**

Chair Evans and members of the committee,

Thank you for the opportunity to submit written testimony in response to the -1 Amendment to House Bill 2856. My name is Leah Eccles Watson and I am a member of the Oregon State Bar Military and Veterans Law Section.

This session, the Oregon State Bar's Military and Veterans Law Section has also proposed legislation (Senate Bill 184) that addresses Oregon's Veteran Preference. The bill passed the Senate Floor with 26 aye votes and is currently assigned to the House Committee on Business and Labor for consideration. Senate Bill 184 modifies two of the same statutes as the -1 Amendment to House Bill 2856.

Yesterday afternoon, I reviewed the -1 Amendment of HB 2856 and would like to share my feedback and concerns regarding the proposed language. My goal is to ensure open communication and consistent language. Thank you for the opportunity to provide this feedback.

Modifications to ORS 408.235.

The list of potential documents of proof may lead to confusion and does not provide an avenue for proactive job searching for veterans in Oregon.

First, the definition in the -1 Amendment does not include statements regarding prospective separation in its list of acceptable documentation. ORS 408.235, as currently in statute and under the -1 Amendment (Page 1, Section 1, Lines 8-15), limits veteran preference in public hiring to applications made after discharge from the Armed Forces. This can prevent military members from receiving the veteran preference while transitioning from active duty to civilian life. Further, the disabled veteran preference is limited to post-VA claim adjudication, even if the service member was medically separated from the military.

Senate Bill 184 was proposed to amend Oregon law to allow for certification to be used in lieu of a DD214 when less than 120 days from an honorable separation, and an approved medical separation be used in lieu of an adjudged VA claim. This option is not currently included in the House Bill 2856 -1 Amendment language.

Second, the federal definition, found in 5 U.S. Code Section 2108a provides an existing definition for “Veteran.” Senate Bill 184 modeled its definition on the existing federal language in order to provide consistent guidance to Veterans. The -1 Amendment does not follow this model, potentially increasing confusion for Veteran job applicants.

Modifications to ORS 408.225

The proposed language amending ORS 408.225 may create confusion for veterans in two areas.

First, on page 3, lines 24-26, the -1 Amendment defines ‘Honorable conditions’ as “A character of service that is recognized by the United States Department of Veterans Affairs as honorable for purposes of the department.” However, the United States Department of Veterans Affairs recognizes all service characters, and merely provides different levels of benefits to each character. Congress sets the benefit eligibility, and only the Department of Defense determines character. For clarity’s sake, the amended language could utilize the seven discharge characterizations: Uncharacterized (for entry level separations), Honorable, General Under Honorable Conditions, Other Than Honorable, Bad Conduct (enlisted only), Dishonorable (enlisted only), and a Dismissal (for officers only). This list can be found at https://www.benefits.va.gov/BENEFITS/docs/COD_Factsheet.pdf

Second, the -1 Amendment does not include the Space National Guard and the Space Reserve Force in the definition of “Active Duty” (Page 5, lines 9-19). Although the Space National Guard and Space Reserve Force are anticipated to be formally created, that has not occurred yet. A solution would be to generally reference “Servicemembers of the National Guard and Reserve forces of the Department of Defense and Coast Guard (Homeland Security)” rather than listing each branch of the armed forces.

Thank you for the opportunity to review the -1 Amendment to House Bill 2856 and submit our comments for consideration. I am happy to work with stakeholders and assist in the development of amended language to benefit Oregon’s Veterans.

Sincerely,
Leah Eccles Watson
Member, Oregon State Bar Military and Veterans Section