House Bill 3083

Sponsored by Representative SMITH G

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 as introduced.

Removes requirement that public employer give preference to veteran or disabled veteran who seeks promotion. Increases number of percentage points given to veteran’s or disabled veteran’s application score for purposes of hiring.

A BILL FOR AN ACT

Relating to employment preference for veterans; creating new provisions; and amending ORS 408.225 and 408.230.

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

SECTION 1.

ORS 408.225 is amended to read:

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

(a)(A) “Civil service position” means any 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) A “civil service position” need not be labeled a “civil service position.”

(b) “Combat zone” means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the Armed Forces of the United States are or have engaged in combat.

(c) “Disabled veteran” means a veteran who has a disability rating from the United States Department of Veterans Affairs, a veteran whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a veteran who was awarded the Purple Heart for wounds received in combat.

(d) “Honorable conditions” has the meaning given that term in rules adopted by the Department of Veterans’ Affairs.

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

(f) “Veteran” means a person who:

(A) Served on active duty with the Armed Forces of the United States:

(i) For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;

(ii) For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;

(iii) For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;

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

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(iv) For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or

(v) For at least one day in a combat zone and was discharged or released from active duty under honorable conditions;

(B) Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or

(C) Is receiving a nonservice-connected pension from the United States Department of Veterans Affairs.

(2) As used in subsection (1)(f) of this section, “active duty” does not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or a National Guard unit.

SECTION 2. 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] 10 percentage points to a veteran’s score and [10] 15 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 to the total combined examination score without allocating the preference to any single feature or part of the examination. The employer shall add [five] 10 percentage points to a veteran’s score and [10] 15 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 ser-
vice 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 ac-
cordance 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 3. The amendments to ORS 408.225 and 408.230 by sections 1 and 2 of this 2023
Act apply to:

(1) Vacant civil service positions that are posted, advertised or otherwise open for hiring
on or after the effective date of this 2023 Act; and

(2) A public employer’s promotion decisions made on or after the effective date of this
2023 Act.