

Senate Bill 808

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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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Gives job preferences in civil service jobs to current and former members of the state national guard. (Flesch Readability Score: 60.1).

Provides hiring and promotion preferences in public employment to members and former members of the Oregon National Guard.

A BILL FOR AN ACT

1
2 Relating to preference given to servicemembers in public employment; amending ORS 408.225,
3 408.230 and 408.235.

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

5 **SECTION 1.** ORS 408.225 is amended to read:

6 408.225. (1) As used in ORS 408.225 to 408.237:

7 (a)(A) "Civil service position" means any position for which a hiring or promotion decision is
8 made or required to be made based on the results of a merit based, competitive process that in-
9 cludes, but is not limited to, consideration of an applicant's or employee's relative ability, knowl-
10 edge, experience and other skills.

11 (B) A "civil service position" need not be labeled a "civil service position."

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

15 (c) "Disabled veteran" means a veteran who has a disability rating from the United States De-
16 partment of Veterans Affairs, a veteran whose discharge or release from active duty was for a dis-
17 ability incurred or aggravated in the line of duty or a veteran who was awarded the Purple Heart
18 for wounds received in combat.

19 **(d) "Former state servicemember" means a person who was:**

20 **(A) A member of the Oregon National Guard; and**

21 **(B) Discharged or released from the Oregon National Guard under honorable conditions.**

22 [(d)] (e) "Honorable conditions" has the meaning given that term in rules adopted by the De-
23 partment of Veterans' Affairs.

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

27 **(g) "State servicemember" means a person who is a member of the Oregon National**
28 **Guard.**

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 [(f)] (h) “Veteran” means a person who:

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

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

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

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

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

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

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

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

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

22 **SECTION 2.** ORS 408.230 is amended to read:

23 408.230. (1) A public employer shall grant a preference to a **state servicemember, former**
24 **state servicemember**, veteran or disabled veteran who applies for a vacant civil service position
25 or seeks promotion to a civil service position with a higher maximum salary rate and who:

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

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

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

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

32 (a) For an initial application screening used to develop a list of persons for interviews, the em-
33 ployer shall add five percentage points to a **state servicemember’s, former state**
34 **servicemember’s or** veteran’s score and 10 percentage points to a disabled veteran’s score.

35 (b) For an application examination, given after the initial application screening, that results in
36 a score, the employer shall add the preference to the total combined examination score without al-
37 locating the preference to any single feature or part of the examination. The employer shall add five
38 percentage points to a **state servicemember’s, former state servicemember’s or** veteran’s score
39 and 10 percentage points to a disabled veteran’s score.

40 (c) For an application examination that consists of an interview, an evaluation of the **state**
41 **servicemember’s, former state servicemember’s or** veteran’s performance, experience or train-
42 ing, a supervisor’s rating or any other method of ranking an applicant that does not result in a
43 score, the employer shall give a preference to the **state servicemember, former state**
44 **servicemember**, veteran or disabled veteran. An employer that uses an application examination of
45 the type described in this paragraph shall devise and apply methods by which the employer gives

1 special consideration in the employer's hiring decision to **state servicemembers, former state**
2 **servicemembers**, veterans and disabled veterans.

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

6 (4) A public employer shall appoint an otherwise qualified **state servicemember, former state**
7 **servicemember**, veteran or disabled veteran to a vacant civil service position if the results of a
8 **state servicemember's, former state servicemember's**, veteran's or disabled veteran's applica-
9 tion examination, when combined with the **state servicemember's, former state**
10 **servicemember's**, veteran's or disabled veteran's preference, are equal to or higher than the results
11 of an application examination for an applicant who is not a **state servicemember, former state**
12 **servicemember**, veteran or disabled veteran.

13 (5) If a public employer does not appoint a **state servicemember, former state**
14 **servicemember**, veteran or disabled veteran to a vacant civil service position, upon written request
15 of the **state servicemember, former state servicemember**, veteran or disabled veteran, the em-
16 ployer, in writing, shall provide the employer's reasons for the decision not to appoint the **state**
17 **servicemember, former state servicemember**, veteran or disabled veteran to the position. The
18 employer may base a decision not to appoint the **state servicemember, former state**
19 **servicemember**, veteran or disabled veteran solely on the **state servicemember's, former state**
20 **servicemember's**, veteran's or disabled veteran's merits or qualifications with respect to the vacant
21 civil service position.

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

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

26 (8) For purposes of this section, "disabled veteran" includes a person who is receiving service-
27 connected compensation from the United States Department of Veterans Affairs under 38 U.S.C.
28 1110 or 1131.

29 **SECTION 3.** ORS 408.235 is amended to read:

30 408.235. (1) A veteran is eligible to use the preference provided for in ORS 408.230 for a civil
31 service position for which application is made at any time after discharge or release from service
32 in the Armed Forces.

33 (2) An individual is treated as a veteran for purposes of the preference provided for in ORS
34 408.230 if the individual:

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

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

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

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

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

1 of the certification.

2 (4) A state servicemember is eligible to use the preference provided for in ORS 408.230
3 for a civil service position for which application is made at any time during which the state
4 servicemember is a member of the Oregon National Guard.

5 (5) A former state servicemember is eligible to use the preference provided for in ORS
6 408.230 for a civil service position for which application is made at any time after discharge
7 or release from service in the Oregon National Guard.

8 (6) An individual is treated as a former state servicemember for purposes of the prefer-
9 ence provided for in ORS 408.230 if the individual:

10 (a) Meets the definition of “former state servicemember” under ORS 408.225 except for
11 the requirement that the individual was discharged or released under honorable conditions;
12 and

13 (b) Submits a certification to the public employer that the individual is expected to be
14 discharged or released from service from the Oregon National Guard under honorable con-
15 ditions not later than 120 days after the submission of the certification.

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