

# Enrolled House Bill 2026

Sponsored by Representative OWENS, Senator FINDLEY; Representatives BYNUM, LEWIS, MORGAN, REARDON (at the request of Eastern Oregon Border Economic Development Board) (Presession filed.)

CHAPTER .....

AN ACT

Relating to resident preferences in employment; and declaring an emergency.

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

**SECTION 1.** Section 2 of this 2021 Act is added to and made a part of ORS 284.771 to 284.801.

**SECTION 2.** (1) As used in this section:

(a) “Civil service position” means any position, regardless of whether it is labeled a “civil service 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) “Public employer” means a public body, as defined in ORS 174.109, and any person authorized to act on behalf of the public body, with respect to the control, management or supervision of any employee of the public body.

(c) “Resident applicant” means an applicant for a civil service position whose primary residence is located in Malheur County.

(2) This section applies to a civil service position if the majority of the work of the position will be performed within the Eastern Oregon Border Economic Development Region.

(3) Except as provided in subsection (7)(b) of this section, a public employer shall grant a preference to any resident applicant for a vacant civil service position, or for promotion to a civil service position with a higher maximum salary rate, 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 public employer administers to establish eligibility for the position; and

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

(4) The public 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 public employer shall add five percentage points to a resident applicant’s score.

(b) For an application examination, given after the initial application screening, that results in a score, the public employer shall add five percentage points to the total combined examination score of a resident applicant without allocating the points to any single feature or part of the examination.

(c) For an application examination that consists of an interview, an evaluation of the resident applicant'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 public employer shall give a preference to the resident applicant. A public employer that uses an application examination of the type described in this paragraph shall devise and apply methods by which the public employer gives special consideration in the public employer's hiring decision to resident applicants.

(5) Except as provided in subsection (6) of this section, the system of giving preferences under this section does not require a public employer to appoint a resident applicant to a civil service position.

(6) A public employer shall appoint an otherwise qualified resident applicant to a vacant civil service position if the results of the resident applicant's application examination, when combined with the resident applicant's preference percentage points, are equal to or higher than the results of an application examination for an applicant who is not a resident applicant.

(7)(a) A resident applicant who is appointed to a civil service position under this section must maintain residency in Malheur County for at least five consecutive years following the date on which the employment begins. Failure to maintain residency in Malheur County for this period shall be considered a voluntary termination of the employment.

(b) Paragraph (a) of this subsection does not apply to a resident applicant who elects in writing at the beginning of the application process to forgo the preference available under this section.

(c) The Eastern Oregon Border Economic Development Board, in consultation with the governing body of Malheur County, may prescribe a method by which employees holding civil service positions described in subsection (2) of this section who received a preference under this section annually notify their employers of the county in which their primary residence is located. The notice shall include any documentation the board considers necessary to confirm the residency and shall be made under penalties for false swearing under ORS 162.075.

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

(9) A resident applicant 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.

(10) Nothing in this section precludes or preempts the policy of a jurisdiction, any part of which is located within the Eastern Oregon Border Economic Development Region, that is equally or more protective of local applicants for civil service positions.

SECTION 3. Section 2 of this 2021 Act applies to any hiring process subject to section 2 of this 2021 Act that begins on or after the effective date of this 2021 Act.

SECTION 4. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

**Passed by House June 9, 2021**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 23, 2021**

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Peter Courtney, President of Senate

**Received by Governor:**

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

**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