

B-Engrossed House Bill 2026

Ordered by the House June 7
Including House Amendments dated April 5 and June 7

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

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.

Requires public employers to give preferences to residents of [*Eastern Oregon Border Economic Development Region*] **Malheur County** for civil service positions if majority of work of position will be performed within **Eastern Oregon Border Economic Development Region**. **Provides that resident applicant who receives position must maintain residency in Malheur County for at least five consecutive years following date on which employment begins. Provides that failure to maintain residency shall be considered voluntary termination of employment. Provides that resident applicant who elects not to receive preference is not subject to residency requirement. Authorizes Eastern Oregon Border Economic Development Board, in consultation with governing body of Malheur County, to prescribe method for employee to notify employer of county of residence.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to resident preferences in employment; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 284.771 to**
5 **284.801.**

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

7 (a) **“Civil service position” means any position, regardless of whether it is labeled a “civil**
8 **service position,” for which a hiring or promotion decision is made or required to be made**
9 **based on the results of a merit based, competitive process that includes, but is not limited**
10 **to, consideration of an applicant’s or employee’s relative ability, knowledge, experience and**
11 **other skills.**

12 (b) **“Public employer” means a public body, as defined in ORS 174.109, and any person**
13 **authorized to act on behalf of the public body, with respect to the control, management or**
14 **supervision of any employee of the public body.**

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

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

19 (3) **Except as provided in subsection (7)(b) of this section, a public employer shall grant**
20 **a preference to any resident applicant for a vacant civil service position, or for promotion**
21 **to a civil service position with a higher maximum salary rate, who:**

22 (a)(A) **Successfully completes an initial application screening or an application examina-**

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 tion for the position; or

2 (B) Successfully completes a civil service test the public employer administers to estab-
3 lish eligibility for the position; and

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

5 (4) The public employer shall grant the preference in the following manner:

6 (a) For an initial application screening used to develop a list of persons for interviews,
7 the public employer shall add five percentage points to a resident applicant's score.

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

12 (c) For an application examination that consists of an interview, an evaluation of the
13 resident applicant's performance, experience or training, a supervisor's rating or any other
14 method of ranking an applicant that does not result in a score, the public employer shall give
15 a preference to the resident applicant. A public employer that uses an application examina-
16 tion of the type described in this paragraph shall devise and apply methods by which the
17 public employer gives special consideration in the public employer's hiring decision to resi-
18 dent applicants.

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

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

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

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

34 (c) The Eastern Oregon Border Economic Development Board, in consultation with the
35 governing body of Malheur County, may prescribe a method by which employees holding civil
36 service positions described in subsection (2) of this section who received a preference under
37 this section annually notify their employers of the county in which their primary residence
38 is located. The notice shall include any documentation the board considers necessary to
39 confirm the residency and shall be made under penalties for false swearing under ORS
40 162.075.

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

42 (9) A resident applicant claiming to be aggrieved by a violation of this section may file a
43 verified written complaint with the Commissioner of the Bureau of Labor and Industries in
44 accordance with ORS 659A.820.

45 (10) Nothing in this section precludes or preempts the policy of a jurisdiction, any part

1 of which is located within the Eastern Oregon Border Economic Development Region, that
2 is equally or more protective of local applicants for civil service positions.

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

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

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