

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

1
2 Relating to employment preference for veterans; creating new provisions; and amending ORS 408.225
3 and 408.230.

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) "Honorable conditions" has the meaning given that term in rules adopted by the Department
20 of Veterans' Affairs.

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

24 (f) "Veteran" means a person who:

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

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

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

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

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

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

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

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

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

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

15 408.230. (1) A public employer shall grant a preference to a veteran or disabled veteran who
16 applies for a vacant civil service position [*or seeks promotion to a civil service position with a higher*
17 *maximum salary rate*] and who:

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

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

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

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

24 (a) For an initial application screening used to develop a list of persons for interviews, the em-
25 ployer shall add [*five*] **10** percentage points to a veteran’s score and [*10*] **15** percentage points to a
26 disabled veteran’s score.

27 (b) For an application examination, given after the initial application screening, that results in
28 a score, the employer shall add the preference to the total combined examination score without al-
29 locating the preference to any single feature or part of the examination. The employer shall add
30 [*five*] **10** percentage points to a veteran’s score and [*10*] **15** percentage points to a disabled veteran’s
31 score.

32 (c) For an application examination that consists of an interview, an evaluation of the veteran’s
33 performance, experience or training, a supervisor’s rating or any other method of ranking an appli-
34 cant that does not result in a score, the employer shall give a preference to the veteran or disabled
35 veteran. An employer that uses an application examination of the type described in this paragraph
36 shall devise and apply methods by which the employer gives special consideration in the employer’s
37 hiring decision to veterans and disabled veterans.

38 (3) Preferences of the type described in subsection (1) of this section are not a requirement that
39 the public employer appoint a veteran or disabled veteran to a civil service position.

40 (4) A public employer shall appoint an otherwise qualified veteran or disabled veteran to a va-
41 cant civil service position if the results of a veteran’s or disabled veteran’s application examination,
42 when combined with the veteran’s or disabled veteran’s preference, are equal to or higher than the
43 results of an application examination for an applicant who is not a veteran or disabled veteran.

44 (5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service
45 position, upon written request of the veteran or disabled veteran, the employer, in writing, shall

1 provide the employer's reasons for the decision not to appoint the veteran or disabled veteran to the
2 position. The employer may base a decision not to appoint the veteran or disabled veteran solely
3 on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil ser-
4 vice position.

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

6 (7) A veteran or disabled veteran claiming to be aggrieved by a violation of this section may file
7 a verified written complaint with the Commissioner of the Bureau of Labor and Industries in ac-
8 cordance with ORS 659A.820.

9 (8) For purposes of this section, "disabled veteran" includes a person who is receiving service-
10 connected compensation from the United States Department of Veterans Affairs under 38 U.S.C.
11 1110 or 1131.

12 **SECTION 3. The amendments to ORS 408.225 and 408.230 by sections 1 and 2 of this 2023**
13 **Act apply to:**

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

16 (2) **A public employer's promotion decisions made on or after the effective date of this**
17 **2023 Act.**

18