

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4038

By JOINT COMMITTEE ON WAYS AND MEANS

March 2

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon delete the rest of the line
2 and insert “creating new provisions; amending ORS 408.230; and declaring an emergency.”.

3 On page 3, after line 11, insert:

4 **“SECTION 6. Notwithstanding any other law limiting expenditures, the limitation on**
5 **expenditures established by section 2 (1), chapter 585, Oregon Laws 2017, for the biennium**
6 **ending June 30, 2019, as the maximum limit for payment of expenses from lottery funds al-**
7 **located from the Veterans’ Services Fund established under ORS 406.140, to the Department**
8 **of Veterans’ Affairs, is increased by \$136,531 for carrying out the provisions of section 5 of**
9 **this 2018 Act.**

“VETERANS’ PREFERENCE IN PUBLIC EMPLOYMENT

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13 **“SECTION 7. ORS 408.230 is amended to read:**

14 **“408.230. (1) A public employer shall grant a preference to a veteran or disabled veteran who**
15 **applies for a vacant civil service position or seeks promotion to a civil service position with a**
16 **higher maximum salary rate and who:**

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

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

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

22 **“(2) The employer shall grant the preference in the following manner:**

23 **“(a) For an initial application screening used to develop a list of persons for interviews, the**
24 **employer shall add five preference points to a veteran’s score and 10 preference points to a disabled**
25 **veteran’s score.**

26 **“(b) For an application examination, given after the initial application screening, that results in**
27 **a score, the employer shall add preference points to the total combined examination score without**
28 **allocating the points to any single feature or part of the examination. The employer shall add five**
29 **preference points to a veteran’s score and 10 preference points to a disabled veteran’s score.**

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

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

3 “(4) A public employer shall appoint an otherwise qualified veteran or disabled veteran to a
4 vacant civil service position if the results of a veteran’s or disabled veteran’s application examina-
5 tion, when combined with the veteran’s or disabled veteran’s preference, are equal to or higher than
6 the results of an application examination for an applicant who is not a veteran or disabled veteran.

7 “(5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service
8 position, upon written request of the veteran or disabled veteran, the employer, in writing, shall
9 provide the employer’s reasons for the decision not to appoint the veteran or disabled veteran to the
10 position. The employer may base a decision not to appoint the veteran or disabled veteran solely
11 on the veteran’s or disabled veteran’s merits or qualifications with respect to the vacant civil ser-
12 vice position.

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

14 “(7) A veteran or disabled veteran claiming to be aggrieved by a violation of this section may
15 file a verified written complaint with the Commissioner of the Bureau of Labor and Industries in
16 accordance with ORS 659A.820.

17 “(8) **For purposes of this section, ‘disabled veteran’ includes a person who is receiving**
18 **service-connected compensation from the United States Department of Veterans Affairs un-**
19 **der 38 U.S.C. 1110 or 1131.”.**

20 In line 15, delete “6” and insert “8”.

21 Delete lines 18 through 22 and insert:

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23 **“EMERGENCY CLAUSE**

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25 **“SECTION 9. This 2018 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
27 **on its passage.”.**