

## FAQ Veterans' Preference

### **TECHNICAL ASSISTANCE FOR EMPLOYERS**

Oregon Bureau of Labor and Industries  
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**Q: Are those positions that are “exempt” from a public employer’s civil service system, but which are *generally* filled using a merit based competitive process still considered “civil service positions” for the purposes of the Veterans’ Preference law?**

A. Yes.

The 2009 Oregon legislature addressed this in HB 2510:

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

408.225. (1) As used in ORS 408.225 to 408.235:

**(a)(A) “Civil service position” means any 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) A “civil service position” need not be labeled a “civil service position.”\*\*\***

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Accordingly, BOLI has issued proposed rule amendments:

### **839-006-0440**

#### **Definitions**

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\*\*\***(3) “Civil service position” means any 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. [a position that requires merit-based selection and promotion to be ascertained by competitive examination. Such positions need not be denominated “civil service” positions]. (a) A “civil service” position need not be labeled a “civil service position.”\*\*\***

The proposed rules, soon to be finalized, are posted on BOLI’s website at [http://www.oregon.gov/BOLI/LEGAL/H\\_Notices.shtml](http://www.oregon.gov/BOLI/LEGAL/H_Notices.shtml)

**Q: Does an eligible veteran have to *successfully* complete an initial application screening or an application examination or a civil service test before a public employer may grant veterans’ preference points?**

A: Yes.

ORS 408.230 (1) states, “A public employer shall grant a preference to a veteran or disabled veteran *who successfully completes* [emphasis added] an initial application screening or an application examination or *who successfully completes* [emphasis added] a civil service test...”

Example. An eligible veteran who scores 65 on an initial application screening test that

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requires a passing score of 70, may not receive veterans' preference points for the purpose of bringing the veteran's score into the passing range thus, allowing the veteran to advance to the next hiring stage. The same would be true for the application examination or civil service test.

### **Q: How is the veterans' preference applied during the selection process?**

A: For an initial application screening used to develop a list of persons for interviews, the public employer will add five preference points to an eligible veteran's score. ORS 408.230 (1)(a). For an application examination, given after the initial application screening, the public employer will add preference points to the total combined examination score without allocating the points to any single feature or part of the examination. ORS 408.230 (1)(b).

Example. A public employer whose application examination involves a physical agility test, a written test and an interview, will add the veterans' preference points to the total combined score of all three parts of the application examination ( the physical agility test, the written test and the interview.)

### **Q: If a public employer must decide, which of two qualified applicants, one who is an eligible veteran and the other a non-veteran, to appoint to a vacant position, must the public employer appoint the eligible veteran?**

A: Yes, if the eligible veteran's score is equal to or higher than the non-veteran applicant. ORS 408.230 (3) states, A public employer *shall* [emphasis added] appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of a veteran's or disabled veteran's application examination, which combined with the veteran's or disabled veteran's preference, *are equal to or higher* [emphasis added] than the results of an application examination for an applicant who is not a veteran or disabled veteran."

ORS 408.230 (4) states in part, "...The employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil service position."