



APPLICATION OF THE VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT LAW

GUIDANCE FOR PUBLIC EMPLOYERS

Oregon law requires that public employers grant certain preferences in the hiring and promotion of veterans and disabled veterans. ([ORS 408.225 to 408.237](#)) The purpose of this document is to provide guidance to public employers in applying these required preferences. The information in this document is not a comprehensive summary of the veterans' preference laws, but addresses common questions and issues pertaining to the application of certain provisions of the law. Additional information pertaining to the Veterans' Preference Law is available on BOLI's [website](#). Public employers should review the veterans' preference [laws](#) and [administrative rules](#), and consult with legal counsel regarding any questions prior to taking action that may invoke veterans' rights or employer responsibilities under the law.

When public employers are required to interview veteran applicants for civil service positions

When an interview is a component of the selection process for a "civil service" position¹, ORS 408.237 requires public employers to interview *each and every veteran* covered by the law² who submits application materials that the employer determines show sufficient evidence that the veteran meets the minimum qualifications and all special qualifications of the position, including all specified skills or attributes that are either requested or required by the employer.

Veteran applicants may demonstrate that they meet the minimum and special qualifications of a position and have obtained any skills or attributes requested or required by the employer through education, work experience (including military), relevant life experience, or by showing that they have "transferable skills" i.e., skills obtained through military education or experience that substantially relate, directly or indirectly, to the civil service position for which the veteran is applying³.

Employers must inform employment applicants of the minimum and special qualifications required for the position, as well as all skills and attributes requested or required, in the *initial recruitment communication*, and may not consider any unpublished qualifications, skills or attributes in determining whether or not to interview a veteran applicant.

Veteran applicants may be ranked in comparison to other applicants at this stage, but they **must** be interviewed if they meet the minimum qualifications and all special qualifications of the position, including all specified skills or attributes requested or required by the employer, regardless of their ranking in comparison to the other applicants.

¹ "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. ORS 408.225(1)(a)(A)

² See ORS 408.225 and OAR 839-006-0440 for relevant definitions.

³ A public employer may consult with the Oregon Military Department and the Department of Veterans' Affairs to determine whether certain military education or experience produces a transferable skill.

The requirement to interview all veteran applicants for a position does not apply when a public employer selects applicants for employment from a pre-established eligibility list of pre-qualified candidates who have been ranked through a test or series of tests, and who will be considered and hired for the position in ranked order. A “test or series of tests” for this purpose does not include an application form or scoring of the information presented in an application form. The types of eligibility lists not subject to the requirement to interview all veteran candidates are most commonly used by public employers that fill vacant positions on a regular and recurring “as needed” basis from a pre-existing list of pre-qualified applicants, such as law enforcement and fire protection applicants who have been ranked and placed on an eligibility list based on their test scores.

How and when employment preferences are to be applied to veterans and disabled veterans who qualify for a position

ORS 408.230 requires public employers to grant specified preferences to veterans and disabled veterans who apply for vacant civil service positions or promotions to civil service positions if the veteran:

- Successfully completes an initial screening, application examination or civil service test for the position with a passing score; and
- Meets the minimum qualifications and all special qualifications for the position (including all additional specified skills or attributes that are either requested or required by the employer).

Preferences are required to be granted to qualified veterans and disabled veterans at *each stage* of the application process as follows:

- A veteran who has successfully completed an initial screening, application or civil service test for a position with a passing score must be granted five additional preference points. An additional 10 preference points must be added to a disabled veteran’s score.
- For any application examination given following the initial application screening that results in a score, the employer must add five preference points to a veteran’s score, and 10 preference points to a disabled veteran’s score.
- For an application examination that consists of an interview; an evaluation of the veteran’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 employer must give a preference to a veteran or disabled veteran. An employer that uses any of these types of unscored application examinations is required to devise and apply methods by which the employer gives special consideration in the employer’s hiring decision to veterans and disabled veterans.

A public employer must appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of the veteran’s or disabled veteran’s application examination, when combined with the veteran’s or disabled veteran’s preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.