Reserve Organization of America

Law Review 26127

OREGON: VETERANS' PREFERENCE

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RESERVE SERVICE LAW CENTER

EXECUTIVE SUMMARY

Oregon adds 5 percentage points for veterans and 10 more for disabled veterans in state hiring and promotions. Public employers must interview every veteran who meets the minimum qualifications, and veterans not hired may ask in writing why.

Veterans' Preference:
Oregon

The Federal Veterans' Preference Act (VPA)

The Federal Veterans' Preference Act (VPA), as explained in Law Review 0721 (May 2007), gives certain veterans an advantage in securing federal civil service jobs. The VPA does not apply to state and local government employment, but most states have their own veterans' preference laws that apply to the state and its political subdivisions (counties, cities, school districts, and other units of local government).

Oregon Veterans' Preference for State Employment[1]:

§408.230. Veterans' preference in public employment

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

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

[1] 2023 Oregon Revised Statutes Volume 10 Chapter 408 §408.230, Veterans' preference in public employment. 2023 Oregon Revised Statutes Volume 10 Chapter 408 §408.225, Definitions for ORS 408.225 to 408.237.

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

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

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

(a) For an initial application screening used to develop a list of persons for interviews, the employer shall add five percentage points to a veteran's score and 10 percentage points to a disabled veteran's score.

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

(c) 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 shall give a preference to the veteran or disabled veteran. An employer that uses an application examination of the type described in this paragraph shall devise and apply methods by which the employer gives special consideration in the employer's hiring decision to veterans and disabled veterans.

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

(4) A public employer shall 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, 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.

(5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service position, upon written request of the veteran or disabled veteran, the employer, in writing, shall provide the employer's reasons for the decision not to appoint the veteran or disabled veteran to the position. 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.

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

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

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

§408.225. Definitions for ORS 408.225 to 408.237

(1) As used in ORS 408.225 to 408.237:

(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."

(b) "Combat zone" means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the Armed Forces of the United States are or have engaged in combat.

(c) "Disabled veteran" means a veteran who has a disability rating from the United States Department of Veterans Affairs, a veteran whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a veteran who was awarded the Purple Heart for wounds received in combat.

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

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

(f) "Veteran" means a person who:

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

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

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

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

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

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

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

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

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

Oregon law mandates that the state provide Veterans' hiring preference for state employment to eligible Veterans. Additionally, Veterans who are state employees are favored for promotions to civil service positions with higher maximum salaries.

Applicants for hiring and promotions must meet the position's requirements, pass initial screening, and pass any necessary examinations. Veterans receive five percentage points, while disabled Veterans receive an additional ten percentage points.

For positions without a numerical scoring system, eligible Veterans receive special consideration in the employer's hiring decision.

Public employers are obligated to interview every Veteran who submits an application deemed to meet the minimum qualifications for the position. Veterans who are not hired can request in writing the reason for their non-selection.

Veterans who served on active duty in the U.S. Armed Forces and received an honorable discharge must meet one of the following criteria to be eligible:

1. Served more than 90 consecutive days, beginning on or before January 31, 1955.
2. Served more than 178 consecutive days, or less than 178 days and has a service-connected disability rating from the VA.
3. Served at least one day in a combat zone.
4. Received a combat or campaign ribbon or an expeditionary medal for service in the U.S. Armed Forces.
5. Received a non-service-connected disability pension from the VA.

To qualify as a disabled Veteran, applicants must meet one of the following requirements:

1. Was discharged or released from active duty in the U.S. Armed Forces due to a service-connected injury or illness.
2. Has a service-connected disability rating from the VA.
3. Was awarded the Purple Heart.

Q: The great majority of veterans are men. Does a veterans' preference law discriminate against women and violate the Equal Protection Clause of the Constitution's Fourteenth Amendment?

A: In 1979, the Supreme Court considered and rejected that argument, by a 7-2 vote. Even if the effect of a veterans' preference law is to benefit many more men than women, the purpose of the law is to benefit veterans, not to discriminate against women.[2]

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[2] *See Personnel Administrator of Massachusetts v. Feeney*, 442 U.S. 256, 276 (1979). *See generally* Law Review 24055 (December 2024).
[3] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.

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About the Author

Deng received his Juris Doctor from Baylor University School of Law and received his Bachelor of Science in Sociology, his Bachelor of Science in Criminal Justice, and his minor in Political Science, from Abilene Christian University. As a division-1 student-athlete, Deng played cornerback for the Abilene Christian University Football Team from 2015-19, and Pole Vaulted with the Abilene Christian University Track and Field Team in 2015.

[4] Congress recently established the United States Space Force as the eighth uniformed service.
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