

# OSBA Model Sample ESD Administrative Regulation

Code: GBA-AR  
Revised/Reviewed:

## Veteran and State Servicemember Preference

Oregon's law requires the ESD to grant a preference to qualified and eligible veterans, disabled veterans, state servicemembers and former state servicemembers at each stage during the hiring or promotion process who claim a preference. To be **qualified** for preference, an applicant must meet the minimum qualifications and any other special qualifications required for the position sought. To be **eligible** for preference<sup>1</sup> an applicant must provide certification they are a veteran, disabled veteran, state servicemember or former state servicemember as defined by Oregon law<sup>2</sup>.

The ESD is not obligated to hire or promote a qualified and eligible veteran, disabled veteran, state servicemember or former state servicemember. The ESD is obligated to interview all minimally qualified veterans or disabled veterans, and is also obligated to hire or promote a qualified or eligible veteran, disabled veteran, state servicemember or former state servicemember if the individual is equal to or better than the top candidate after the preference has been applied.

### Recruitment Procedures

All job postings or announcements will include a concise list of minimum qualifications and any special qualifications required for the position. Job postings will include a statement that the ESD's policy is to provide a preference as required by Oregon law and the job posting will require applicants to provide certification of eligibility for preference, in addition to other requested materials.<sup>3</sup>

### Selection Procedures<sup>{4}</sup>

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<sup>1</sup> See Oregon Revised Statute (ORS) 408.225.

<sup>2</sup> See Oregon Revised Statute (ORS) 408.225 for definitions of veteran, disabled veteran, state servicemember and former state servicemember.

<sup>3</sup> An applicant claiming veteran's or disabled veteran's preference will submit a copy of their Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) or a certification that the veteran is expected to be discharged or released from active duty under honorable conditions not later than 120 days after the submission of the certification. A disabled veteran may also submit a copy of their letter from the U.S. Department of Veterans Affairs, unless the information is included in the DD Form 214/215 or a certification that the veteran is expected to be medically separated from active duty under honorable conditions not later than 120 days after the submission of the certification. (OAR 839-006-0465) An applicant claiming to be a former state servicemember must meet the definition of "former state servicemember." An applicant is treated as a former state servicemember if they meet the definition, except for the requirement that the applicant was discharged or released under honorable conditions and submits certification that the individual is expected to be discharged or released from Oregon National Guard under honorable conditions no later than 120 days after the submission of the certification. (ORS 408.235)

<sup>4</sup> {If the ESD chooses not to use a scored system, the law requires that the ESD give special consideration in the ESD's hiring decision to veterans, disabled veterans, state servicemembers and former state servicemembers and the ESD will need to be able to demonstrate the method used for providing special consideration. ORS 408.230(2)(c).}

- Step 1: Before the review of any applications the [Human Resources Department] will establish an evaluation scoring guide based on the minimum qualifications and any special qualifications listed in the job posting.
- Step 2: The [Human Resources Department] will review the application materials using the evaluation scoring guide to determine which applicants meet the minimum and any special qualifications listed in the job posting. In assessing the applicant materials of a veteran or disabled veteran the [Human Resources Department] shall evaluate whether the skill experience obtained in service are transferable skills to the posted position. Any applicants that do not meet the minimum and any special qualifications shall be removed from the applicant pool.
- Step 3: Based on Step 2, the [Human Resources Department] determines who will be interviewed. All qualified and eligible veterans or disabled veterans shall be given an opportunity to interview.
- Step 4: Interview questions and scoring sheets will be developed and each scoring sheet must be completed after each interview by the interviewers.
- Step 5: Following completion of the interviews, the [Human Resources Department] shall complete the selection matrix and score the applicants based on the scoring sheets completed during interviews. Preference shall be applied by adding 5 percentage points to an eligible veteran, state servicemember or former state servicemember and 10 percentage points to an eligible disabled veteran.
- Step 6: The ESD will appoint an otherwise qualified applicant claiming preference to the position if the applicant's results of their application examination, when combined with the preference, are equal to or better than the results for the top candidate.
- The ESD may base a decision not to appoint the applicant claiming preference solely on the applicant's merits or qualifications with respect to the position.

In the event the ESD chooses not to appoint an applicant covered by this administrative regulation, the ESD shall provide the reasons it chose not to appoint the applicant for the position upon a written request from the applicant.

### **Filing a Complaint**

A veteran, disabled veteran, state servicemember or former state servicemember is encouraged to contact the [Human Resources Department] if there are any concerns or questions concerning the application of or the process used for preference.

An applicant claiming to be aggrieved by a violation of Board policy GBA - Equal Employment Opportunity or this administrative regulation, may file a written complaint with the Civil Rights Division of the Bureau of Labor and Industries (BOLI) in accordance with Oregon Revised Statute (ORS) 659A.820.