**Oregon Veterans’ Preference Legislation:**
**Hiring Process Implementation**

(Revised July 2022)

The State of Oregon Veterans’ Preference law (Oregon Revised Statutes 408.225 – 408.290) requires the university and other public employers to grant certain preferences to veterans and disabled veterans at each stage of the hiring process.

Below is a review of the applicable statutes and a brief summary of the key aspects of the hiring process that are most impacted by the Oregon Veterans’ Preference legislation. Following this are implementation guidelines specific to the university’s hiring process.

## Overview of Statutes

* **ORS 408.230** Veterans’ Preference in Public Employment

Public employers must grant a 5% preference to veterans or a 10% preference to disabled veterans who apply for civil service positions and meet the minimum qualifications and any special qualifications for the positions.

* **ORS 408.235** Eligibility for Preference

A veteran is eligible to use the preference for civil service positions for which application is made at any time after discharge or release from service in the Armed Forces.

* **ORS 408.237** Interviews of Veteran Applicants for Public Service Position Required

When an interview is part of the selection process for a civil service position, a public employer shall interview each veteran who meets the minimum and special qualifications for the position and submits application materials that show sufficient evidence that the veteran has the transferable skills requested and required by the employer.

#### Applicable Definitions

* + **Civil Service Position** (ORS 408.225): any position for which a hiring or promotion decision is 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 (need not be labeled a “civil service position”).
	+ **Special Qualifications** (not specifically defined as applied to this statute, but the Bureau of Labor and Industries (BOLI) uses the definition from OAR 839-006-0440): qualifications added to minimum qualifications and necessary (required) at the time of appointment based on the duties of the position to be filled. They may include, but are not limited to, bilingual skills, licenses, permits, and/or certifications required by law.

**Please note the distinction between special qualifications (required) and preferred qualifications (desired but not required). Not all positions have special qualifications.**

* + **Transferable Skills** (839-006-0440): skills that a veteran has obtained through military education or experience that substantially relate, directly or indirectly, to the civil service position for which the veteran is applying.

The American Council on Education website [http://www.acenet.edu/news-](http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx)  [room/Pages/Military-Guide-Online.aspx](http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx) provides a tool employers can use for assessing how military training and experience translate to the civilian job market. The Oregon Department of Veterans’ Affairs [www.oregon.gov/ODVA](http://www.oregon.gov/ODVA) (503-373-2000) and the Oregon Military Department [www.oregon.gov/OMD](http://www.oregon.gov/OMD) (503-584-3980) also provide services for determining whether military education or experience produces a transferable skill.

## Summary

This summary highlights the basic steps necessary to implement the Oregon Veterans’ Preference regulations and does not attempt to address all possible selection process procedures. More specific information pertaining to each step below is included in the Implementation Guidelines which follow.

1. Identify veterans or disabled veterans eligible for preference based on applicant flags in MyTrack set by Human Resources. (See ***Identification of Veterans*** below)
2. Review all application materials to ascertain whether candidates, including veterans, meet stated minimum and any special qualifications (See ***Definitions*** above). Applicants whose applications do not show evidence of meeting stated minimum requirements require no further review. (See ***Application Review: Minimum and special qualifications*** below)
3. Interview all veterans that meet both the minimum and any special qualifications applicable to the position (assuming interviews are part of the application process).The interview may be a short “screening” interview, but the same interview should be given to all applicants that advance to the interview phase, including the qualified veterans. (See ***Interviews*** below).
4. When evaluating candidates following the interview, veterans must be given 5 additional percentage points, and disabled veterans must be given 10 additional percentage points, respectively. (See ***Evaluation of Candidates*** below for more information about applying preference to numerical and non-numerical scoring).
5. Identify top candidates for ongoing consideration and conduct campus visits, reference checks and all remaining steps in the search process as applicable, ***ensuring that the 5% and 10% preference for any covered veteran is ongoing throughout the process.*** (See ***Evaluation of Candidates*** and ***Selection*** below)

## Implementation Guidelines

### Position Announcements

Both minimum qualifications and any special qualifications should be clearly identified in the position announcement. Special qualifications are most frequently applicable in searches for classified positions, where a particular position requires qualifications beyond those listed in the classification specification. As with minimum qualifications, care should be taken to ensure that anything identified as a special qualification is a qualification that a candidate **must** have in order to successfully perform the duties of the position, as opposed to preferred qualifications which are desired but not required. Human Resources works closely with units in identifying minimum and any special qualifications in the development of the position description.

### Identification of Veterans

For all positions accepting applications via MyTrack, the university's online applicant tracking system, applicants will be asked as a part of the application process if they identify as a veteran under Oregon law. Applicants who identify are asked to submit documentation of their eligibility directly to Human Resources, who verifies the applicant's eligibility and places a "flag" on their application.

HR Administrators on the search or Hiring Managers will identify veterans or disabled veterans eligible for preference based on the indicator flags in the MyTrack listing of applicants. To navigate to the listing that shows flags, select "Manage Requisitions" under the expandable ("hamburger") menu in the upper right-hand corner of MyTrack; please note that this is the only area where indicator flags will show. **The area where selection outcomes for applicants are designated does not display the indicator flags.** Indicator flags will show veterans who have submitted necessary documentation of eligibility and whether the veteran is entitled to receive 5% preference or 10% preference (for disabled veterans) during selection process. Status indicators will show if the candidate has self-identified but is still awaiting documentation submission or HR review. HR administrators (or their designee with appropriate MyTrack user role) should review the candidate pool and ensure the search chair or search committee is prepared to provide veterans' preference prior to beginning candidate review.

Only applicants flagged by Human Resources should be given preference, even if there are indicators of military experience in the materials of an applicant without a flag. If you have questions about a specific applicant’s preference eligibility, please contact Talent.

### Selection Steps

### Application Review

* 1. **Minimum and special qualifications**: The selection process should first determine, as much as possible from the written application, if candidates meet identified minimum and any special qualifications. All information supplied by applicants should be considered during the assessment for minimum qualifications. If a veteran candidate does not specifically address the issue of transferable skills, then the search committee can consider, as with other candidates, that the information in the application materials addresses all relevant skills and training, and make a determination on the basis of those materials as to whether the candidate meets the stated minimum qualifications. No veterans’ preference is applied at this stage of the review.
	2. Candidates who clearly do not meet minimum and any special qualifications, regardless of veteran status, require no further review. The committee will need to document how the applicant did not meet minimum or special qualifications.

#### Interviews

* 1. Each veteran or disabled veteran who applies to a competitive search at the University of Oregon for which an interview is part of the selection process must be interviewed if they meet the stated minimum and any special qualifications. In evaluating minimum qualifications, seek evidence of transferable skills that satisfy the position requirements.
	2. The regulations regarding the interview requirement do not say what type of interview is required. However, we recommend giving qualifying veterans the same initial interview that is given to any other candidates advancing to this interview stage.
		1. **Preliminary Interview** – the search committee could decide to do a brief “screening” or “preliminary” interview with all candidates to decide whether they have the relevant skills to be successful in the position and to advance in the search. This strategy can be particularly useful if there are large numbers of well-qualified applicants and the search committee is having a difficult time narrowing down the interview pool. It also provides an opportunity to reiterate realities of the search such as salary range, rank or level of position, travel requirements or weekend work, willingness to relocate, full-time or part-time status, etc., to make sure that the applicant remains interested in the position.
		2. **Phone or On-Campus Interviews without a Preliminary Interview** – Committees may conduct phone interviews or on-campus interviews in accordance with the normal search process, but include any eligible veterans or disabled veterans in your pool who meet the minimum and any special qualifications and who may have transferable skills, even if they are not among your top candidates.
	3. Limited exception: The requirement to interview all veteran applicants who meet the required skills and qualifications does not apply when applicants are selected from a pre-established eligible list of prequalified applicants 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. Pre-existing lists of pre-qualified applicants are most common for law enforcement and fire protection positions, or for other vacant positions that are filled on a regular and recurring “as needed” basis from a pre-existing list of pre-qualified applicants.
	4. Whatever option is chosen with regard to implementing the interview requirement for eligible veterans, it is important to keep in mind that the 5% or 10% veterans’ preference or special consideration *must continue to be applied at each step of the* *process*.
1. **Evaluation of Candidates**
	1. The evaluation of candidate capabilities beyond the required minimum and any special qualifications may be either a scored or non-scored process, but should continue to consider potential transferable education or experiences and ***must*** include application of the 5% or 10% veteran’s preference.
		1. **Scored evaluation method**: identified veteran and disabled veteran candidates eligible for preference should be awarded an additional 5 (veteran) or 10 (disabled veteran) percentage points of the **total possible points** in calculating their scores. For example:
			1. If using a scored tool with a total of 60 possible points, a veteran will receive an additional 3 points (5% of total possible points) and a disabled veteran will receive an additional 6 points (10% of total possible points). It is recommended that the preference be applied to either the total combined or total average score and not to individual reviewer scores. If possible, preference should be applied by one individual to ensure it is applied consistently.
				1. **Total combined score method**: If 3 people are scoring using a tool with 60 possible points and the combined scores are used to rank the applicants, then there are a total of 180 possible points, and a veteran will receive an additional 9 points and a disabled veteran will receive 18 additional points; or
				2. **Total average score method**: If, out of 60 possible points, the results of 3 scorers are 40, 35, and 30, the average score is 35. Again, because there is a total possible score of 60, the veteran will receive 3 additional points and the disabled veteran will receive 6 additional points.
			2. Advance any veteran whose score, with or without the preference, is at least equal to that of other candidates being advanced.
		2. **Non-scored evaluation method**: develop a methodology that ensures “special consideration” of veterans and disabled veterans. While not defined in the legislation, this will generally mean giving case-by case consideration to veteran or disabled veteran qualifications to assess whether they are roughly equivalent to the qualifications of those being advanced – “roughly” meaning within about 5% (for veterans) or about 10% (for disabled veterans). One method of giving “special consideration” is to categorize, rank or rate applicants and then consider whether a 5% or 10% preference would move the qualified veteran up into the next category, rank or rating. For some positions, certain military experience might be considered evidence of desired ability to support and enhance a diverse learning environment or publications in nontraditional journals may be given extra consideration.
			1. *Please contact Talent Acquisition in Human Resources (talent@uoregon.edu) if there are questions as to whether a proposed approach to “special consideration” is adequate to meet our legal obligations.*
			2. Advance any veteran or disabled veteran who, with or without special consideration, is at approximately the same relative level as other candidates being advanced.
	2. Search committees can rank candidates prior to the interview (e.g. based just on application materials), however the committee **must still interview** all veterans that possess both the minimum an any special qualifications (including all additional specified skills or attributes that are either requested or required by the employer), even if they are not at the same level as the other candidates. See “Interviews” above for additional information.
2. **Selection**: The final selection decision should be based on the application review and interviews, with the veterans’ preference again applied for any veteran or disabled veteran candidates after the final interviews and deliberation. The Oregon Veterans Preference in Employment legislation does not require that a public employer appoint a veteran to the open civil service position. However, if a veteran’s or disabled veteran’s score, rank, rating or other qualitative assessment, with required preference, is equal to or higher than the results for a non-veteran applicant, then the veteran or disabled veteran shall be appointed.

### Documentation

* 1. The legislation requires that if a public employer does not appoint a veteran or disabled veteran to a vacant position, the employer shall, upon written request of the veteran or disabled veteran, provide in writing the employers’ reasons for the decision not to appoint the veteran or disabled veteran to the position. The decision not to appoint the veteran or disabled veteran may be based solely on the veteran’s or disabled veteran’s merits or qualifications with respect to the position.
	2. Documentation of interviews, results, and decisions not to appoint the veteran or disabled veteran applicants can be uploaded to the "Notes" or "Documents" tab on the job requisition in MyTrack by either the Hiring Manger or the HR Administrator.
	3. For guidance on unique situations not covered in this guidance or for assistance in determining appropriate documentation and recording search results, please consult with Talent Acquisition in Human Resources. Additional information can be found on the Veterans Preference section of the Human Resources website: <http://hr.uoregon.edu/recruitment/oregon-veterans-preference-employment>