

Attorney General Opinions

The following is a digest of the several opinions from the office of the Attorney General of the State of Oregon regarding the Public Employees Retirement Act and the State Civil Service Act:

Veteran's Preference

"Applicants for state positions who are currently serving in the armed forces of the United States are not within the definition of 'war veteran' (Chapter 80, Oregon Laws 1943). Until actually separated from the service 'under honorable condition,' they cannot be given veterans' preference.

The points added to examination ratings are given only to those who appear as veterans upon the list established as a result of an entrance test. You (The Civil Service Commission) are authorized to grant the statutory preference to any applicant who has passed the examination and is actually a war veteran at the time the list is established as a result of such examination, and to no others.

A war veteran on terminal leave, who has received a separation notice, which is evidence of 'the fact that he is separated from the service under honorable conditions', is to be regarded as 'honorably separated or discharged from' service in the armed forces."

Merit System Agencies

"(Chapter 400, Oregon Laws 1945) 'All provisions of this act that are to remain effective' as to the four state divisions supervised by the Merit System Council include the provisions of Chapter 400, *supra*, as to examinations and the establishment of eligible lists. The Act acknowledges conditions imposed by the Social Security Board of the United States as to employment of personnel in the four agencies mentioned and retains in effect conditions which the Social Security Board regards

as inseparable from such employment.

The prohibition against holding competitive tests before the time stated applies only to employees of 'other divisions' than the four agencies.

Until tests can be given 'said other divisions' are authorized to 'make additional conditional' appointments as may be required without certification from a list. . . . The provisions for deferring tests and the establishment of eligible lists does not apply to the four agencies now operating under the merit system."

Cost of Civil Service Administration

"Divisions and departments of the state government are obliged to pay the amounts charged against them by the State Civil Service Commission as their respective shares of the cost of administering. Chapter 400, Oregon Laws, 1945."

Bargaining Agreements, School Boards

The Superintendent of Public Instruction asked the office of the Attorney General for an answer to the following questions on behalf of the Pendleton School Board:

"(1) May the school board deal and negotiate with this Union with regard to employees?"

"(2) May the school board establish a 'closed shop' insofar as custodial service is concerned and require all employees to become members of and pay dues to the Union?"

The Attorney General concluded that: "(1) A 'closed shop' in regard to employment by a school board would be illegal because not permitted by statute, and because it would involve a misuse of public funds; and that (2) discrimination of the kind suggested would violate both the constitution of the State of Oregon and that of the United States.

The answer is the same to both