

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	4 - 0 - 1
Yeas:	George G., Kruse, Monnes Anderson, Morrisette
Nays:	0
Exc.:	Verger
Prepared By:	Ilana Weinbaum, Administrator
Meeting Dates:	5/9

WHAT THE MEASURE DOES: Specifies that the deputy director and principal assistant personnel positions in Department of Human Services (DHS) are unclassified service employees who serve at the pleasure of the Director of DHS. Exempts deputy director or assistant director of the DHS from statute that limits number of hours persons receiving service retirement allowance can work per year for a public employer, if Governor approves exemption. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Confusion over whether certain DHS appointments are “at-will”
- Positions affected by measure

EFFECT OF COMMITTEE AMENDMENT: Exempts deputy director or assistant director of the Department of Human Services from statute that limits number of hours persons receiving service retirement allowance can work per year for a public employer, if Governor approves exemption. Declares emergency, effective on passage.

BACKGROUND: In Oregon, like many other states, employees not working under an employment contract or statute to the contrary are considered to be “at-will” employees. Therefore, Oregon employers may discharge an employee at any time, with or without reason. There has been some confusion as to whether certain DHS employees are classified employees, who thereby might be entitled to additional contractual employment protections.

Retired state employees receiving allowances through the Public Employment Retirement System (PERS) are limited in the number of hours they are able to work for PERS public employers. HB 2184 A would allow the Governor to exempt a deputy or assistant director of DHS from these limits.