

A-Engrossed
House Bill 2184

Ordered by the Senate May 21
Including Senate Amendments dated May 21

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Specifies that deputy director, deputy and principal assistant positions in Department of Human Services are in unclassified service. **Exempts deputy director or assistant director from provisions limiting number of hours persons receiving service retirement allowance may work per year, if Governor approves exemption.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to unclassified service positions in the Department of Human Services; amending ORS
3 238.082 and 409.150; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 238.082 is amended to read:

6 238.082. (1) Subject to the limitations in subsection (2) of this section, any public employer may
7 employ any person receiving a service retirement allowance if the administrative head of such em-
8 ployer is satisfied that such employment is in the public interest.

9 (2) The period or periods of employment by one or more public employers of any person receiv-
10 ing a service retirement allowance may not total 1,040 hours or more in any calendar year; but if
11 the person is receiving old-age, survivors or disability insurance benefits under the federal Social
12 Security Act, the person may be employed for the number of hours for which the salary equals the
13 maximum allowed for receipt of the full amount of those benefits to which the person is entitled.

14 (3) The limitations on employment imposed by subsection (2) of this section do not apply to a
15 retired member who is employed as a teacher or as an administrator, as those terms are defined in
16 ORS 342.120, if the retired member is employed by a school district or education service district that
17 has its administrative office located within a county with a population of not more than 35,000 in-
18 habitants according to the latest federal decennial census. A retired member who is employed as a
19 teacher, as defined in ORS 342.120, by the same public employer that employed the member at the
20 time of retirement remains in the same collective bargaining unit that included the member before
21 retirement.

22 (4) The limitations on employment imposed by subsection (2) of this section do not apply to a
23 retired member who is employed:

24 (a) By the sheriff of a county with a population of fewer than 75,000 inhabitants, according to
25 the latest federal decennial census;

26 (b) By the municipal police department of a city with a population of fewer than 15,000 inhab-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 itants, according to the latest federal decennial census;

2 (c) By the state or a county for work in a correctional institution located in a county with a
3 population of fewer than 75,000 inhabitants, according to the latest federal decennial census;

4 (d) By the Black Butte Ranch Rural Fire Protection District, the Black Butte Ranch Service
5 District or the Sunriver Service District; *[or]*

6 (e) By the Oregon State Police for work in a county with a population of fewer than 75,000 in-
7 habitants, according to the latest federal decennial census; **or**

8 **(f) As a deputy director or assistant director of the Department of Human Services, if**
9 **the Governor approves the exemption for the person from the limitations on employment**
10 **imposed in subsection (2) of this section.**

11 (5) The limitations on employment imposed by subsection (2) of this section do not apply to a
12 retired member who is employed to temporarily replace an employee who serves in the National
13 Guard or in a reserve component of the Armed Forces of the United States and who is called to
14 federal active duty.

15 (6) The limitations on employment imposed by subsection (2) of this section do not apply to a
16 retired member who is employed by a road assessment district organized under ORS 371.405 to
17 371.535.

18 (7) Subsections (3) to (6) of this section do not apply to any member who retires under the pro-
19 visions of ORS 238.280 (1) or (2).

20 (8) Employment under this section does not affect the status of a person as a retired member
21 of the system and a recipient of retirement benefits under this chapter.

22 **SECTION 2.** ORS 409.150 is amended to read:

23 409.150. **The deputy director and any** assistant directors appointed under ORS 409.130 shall
24 be in the unclassified service of the state [*and shall receive such salaries as may be provided by*
25 *law*]. With the approval of the Director of Human Services, each assistant director may appoint
26 deputies and [*secretarial staff*] **principal assistants** as necessary to conduct the work of the de-
27 partment. **Notwithstanding ORS 240.205, deputies and principal assistants appointed by an**
28 **assistant director** [*who*] shall be in the unclassified service **of the state and shall serve at the**
29 **pleasure of the director** [*and receive such salaries as may be provided by law*]. In addition to their
30 salaries, they shall, subject to the limitations otherwise provided by law, be reimbursed for all ex-
31 penses actually and necessarily incurred in the performance of official duties.

32 **SECTION 3.** **This 2007 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
34 **on its passage.**

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