

Senate Bill 197

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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 **as introduced**.

Authorizes Public Utility Commission to use temporary status appointment for student law clerks for period not to exceed 24 months.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to student law clerks for the Public Utility Commission; amending ORS 240.309; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 240.309 is amended to read:

6 240.309. (1) Temporary employment shall be used for the purpose of meeting emergency, nonre-
7 curring or short-term workload needs of the state.

8 (2) A temporary employee may be given a nonstatus appointment without open competition and
9 consideration only for the purposes enumerated in this section. Temporary appointments shall not
10 be used to defeat the open competition and consideration system.

11 (3) A temporary employee may not be employed in a permanent, seasonal, intermittent or limited
12 duration position except to replace an employee during an approved leave period.

13 (4) Employment of a temporary employee for the same workload need, other than for leave, may
14 not exceed six calendar months. The decision to extend the period of employment may be delegated
15 by the Personnel Division of the Oregon Department of Administrative Services to other state
16 agencies. Approval to extend shall be allowed only upon an appointing authority's finding that the
17 original emergency continues to exist and that there is no other reasonable means to meet the
18 emergency. Agency actions under this subsection are subject to post-audit review by the Oregon
19 Department of Administrative Services as provided in ORS 240.311.

20 (5) Employment of a temporary employee for different workload needs shall not exceed the
21 equivalent of six calendar months in a 12-month period.

22 (6) A temporary employee shall not be denied permanent work because of the temporary status.
23 Temporary service shall not be used as any portion of a required trial service period.

24 (7) The Personnel Division of the Oregon Department of Administrative Services shall report the
25 use of temporary employees, by agency, once every six months, including the duration and reason
26 for use or extensions, if any, of temporary appointments. The reports shall be made available upon
27 request to interested parties, including employee organizations. If any interested party alleges mis-
28 use of temporary employees, the division shall investigate, report its findings and take appropriate
29 action.

30 (8) The Department of Justice may use temporary status appointments for student law clerks for

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 a period not to exceed 24 months.

2 (9) The chief administrative law judge of the Office of Administrative Hearings may use tempo-
3 rary status appointments for student law clerks for a period not to exceed 24 months. Student law
4 clerks appointed under this subsection may not act as administrative law judges or conduct hearings
5 for the Office of Administrative Hearings.

6 **(10) The Public Utility Commission may use temporary status appointments for student**
7 **law clerks for a period not to exceed 24 months.**

8 ~~[(10)]~~ (11) A state agency may use temporary status appointments for a period not to exceed 48
9 months for student interns who are enrolled in high school or who are under 19 years of age and
10 are training to receive a General Educational Development (GED) certificate. Student interns are
11 not eligible for benefits under ORS 243.105 to 243.285.

12 **SECTION 2. This 2009 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
14 **on its passage.**

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