

House Bill 3004

Sponsored by Representative DEMBROW

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**.

Requires certain management service employees to elect to remain in position or return to position in classified service within one year of entering management service. Eliminates restoration rights of employee who elects to remain in management service position within one-year period. Requires restoration to classified service of certain management service employees who request restoration during one-year period. Allows current management service employees to return to former classified position until July 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to management service employees; creating new provisions; amending ORS 240.570; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 240.570 is amended to read:

6 240.570. (1) Positions in the unclassified, management and exempt services may be filled by
7 classified employees. After an employee is terminated from the unclassified or exempt service or
8 removed from the management service, for reasons other than those specified in ORS 240.555, the
9 state agency that employed the employee before the appointment to the unclassified, exempt or
10 management service may, at the agency's sole discretion, restore the employee to a position held in
11 the agency before the appointment if the employee meets the position requirements. If an employee
12 is restored to a former position, the employee is subject to any applicable agency collective bar-
13 gaining agreement.

14 (2) An appointing authority may assign, reassign and transfer management service employees for
15 the good of the service and may remove employees from the management service due to reorgan-
16 ization or lack of work.

17 (3)(a) A management service employee is subject to a trial service period established pursuant
18 to rules of the Personnel Division under ORS 240.250. Thereafter, the management service employee
19 may be disciplined by reprimand, salary reduction, suspension or demotion or removed from the
20 management service if the employee is unable or unwilling to fully and faithfully perform the duties
21 of the position satisfactorily.

22 **(b) Notwithstanding subsection (1) of this section, during the period of trial service re-**
23 **quired by ORS 240.316, a management service employee with immediate prior classified ser-**
24 **vice may request, and if so requested shall be restored to, a position in the classified service**
25 **with the state agency that employed the employee before the appointment to the manage-**
26 **ment service position. Within one year after the date the employee entered the management**
27 **service, the employee shall elect to remain in the management service position or to return**
28 **to a position in the same classification in the classified service that the employee held in the**

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 **classified service prior to appointment to the management service position. If the employee**
2 **elects to remain in the management service position within the one-year period, the em-**
3 **ployee may be restored to the position the employee held in the classified service at the sole**
4 **discretion of the state agency that employed the employee before the appointment to the**
5 **management service position.**

6 (4) Employees who are assigned, reassigned, transferred or removed, as provided in subsection
7 (2) of this section, and employees who are disciplined or removed from the management service for
8 the reasons specified in subsection (3) of this section may appeal to the Employment Relations Board
9 in the manner provided by ORS 240.560.

10 (5) Management service employees with immediate prior former regular status in the classified
11 service may be dismissed from state service only for reasons specified by ORS 240.555 and pursuant
12 to the appeal procedures provided by ORS 240.560.

13 **SECTION 2. The amendments to ORS 240.570 by section 1 of this 2013 Act apply to per-**
14 **sons in classified service who are appointed to management service positions on or after the**
15 **effective date of this 2013 Act.**

16 **SECTION 3. Notwithstanding the amendments to ORS 240.570 by section 1 of this 2013**
17 **Act, an employee who is in the management service on the effective date of this 2013 Act**
18 **maintains the right to return to the position the employee held in the classified service until**
19 **July 1, 2016. If an employee in the management service on the effective date of this 2013 Act**
20 **does not elect to return to the classified service by that date, the employee forfeits the right**
21 **to do so.**

22 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
24 **on its passage.**

25 _____