

Senate Bill 174

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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**.

Changes maximum term of employment for temporary state employees to six months or 1,040 hours in 12-month period. Excludes mandatory training periods from limitation.

A BILL FOR AN ACT

1
2 Relating to temporary state employees; amending ORS 240.309.

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

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

5 240.309. (1) Temporary employment shall be used for the purpose of meeting emergency, nonre-
6 curring or short-term workload needs of the state.

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

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

12 (4) Employment of a temporary employee for the same workload need, other than for leave, may
13 not exceed six calendar months **or 1,040 hours in a 12-month period**. The decision to extend the
14 period of employment may be delegated by the Personnel Division of the Oregon Department of
15 Administrative Services to other state agencies. Approval to extend shall be allowed only upon an
16 appointing authority's finding that the original emergency continues to exist and that there is no
17 other reasonable means to meet the emergency. Agency actions under this subsection are subject
18 to post-audit review by the Oregon Department of Administrative Services as provided in ORS
19 240.311.

20 (5) Employment of a temporary employee for different workload needs shall not exceed the
21 equivalent of six calendar months **or 1,040 hours** 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 law
7 clerks for a period not to exceed 24 months.

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

12 **(12)(a) A state agency that requires a mandatory training period for a temporary em-**
13 **ployee shall exclude the mandatory training period from the six-month or 1,040-hour limita-**
14 **tion on temporary appointments established under this section.**

15 **(b) A mandatory training period excluded under this subsection must:**

16 **(A) Be directly related to the temporary position;**

17 **(B) Be completed before the actual body of work required of the temporary position**
18 **commences; and**

19 **(C) Not exceed six weeks.**

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