

**PROPOSED AMENDMENTS TO  
SENATE BILL 435**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the  
2 rest of the line and line 3 and insert “amending ORS 240.570; and prescribing  
3 an effective date.”.

4 Delete lines 5 through 30 and delete page 2 and insert:

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

6 “240.570. (1) Positions in the unclassified, management and exempt ser-  
7 vices may be filled by classified employees. After an employee is terminated  
8 from the unclassified or exempt service or removed from the management  
9 service, for reasons other than those specified in ORS 240.555, the state  
10 agency that employed the employee before the appointment to the unclassi-  
11 fied, exempt or management service may, at the agency’s sole discretion, re-  
12 store the employee to a position held in the agency before the appointment  
13 if the employee meets the position requirements. If an employee is restored  
14 to a former position, the employee is subject to any applicable agency col-  
15 lective bargaining agreement.

16 “(2) An appointing authority may assign, reassign and transfer manage-  
17 ment service employees for the good of the service and may remove employ-  
18 ees from the management service due to reorganization or lack of work.

19 “(3)(a) A management service employee is subject to a trial service period  
20 established pursuant to rules of the Personnel Division under ORS 240.250.  
21 Thereafter, the management service employee may be disciplined by  
22 reprimand, salary reduction, suspension or demotion or removed from the

1 management service if the employee is unable or unwilling to fully and  
2 faithfully perform the duties of the position satisfactorily.

3 **“(b) Notwithstanding subsection (1) of this section, a management  
4 service employee with immediate prior classified service may elect  
5 within one year of the date the employee entered management service  
6 to be restored to a position in the same classification in the classified  
7 service with the state agency that employed the employee before the  
8 appointment of the employee to the management service position. If  
9 the employee elects to be restored to a position in the classified ser-  
10 vice, the state agency that employed the employee before the ap-  
11 pointment of the employee to the management service position shall  
12 restore the employee to a classified position in the agency.**

13 **“(4) Employees who are assigned, reassigned, transferred or removed, as  
14 provided in subsection (2) of this section, and employees who are disciplined  
15 or removed from the management service for the reasons specified in sub-  
16 section (3)(a) of this section may appeal to the Employment Relations Board  
17 in the manner provided by ORS 240.560.**

18 **“(5) Management service employees with immediate prior former regular  
19 status in the classified service may be dismissed from state service only for  
20 reasons specified by ORS 240.555 and pursuant to the appeal procedures  
21 provided by ORS 240.560.**

22 **“SECTION 2. The amendments to ORS 240.570 by section 1 of this  
23 2013 Act apply to persons in classified service who are appointed to  
24 management service positions on or after the effective date of this 2013  
25 Act.**

26 **“SECTION 3. Notwithstanding the amendments to ORS 240.570 by  
27 section 1 of this 2013 Act, an employee who is in the management  
28 service on the effective date of this 2013 Act maintains the right to  
29 return to a position in the same classification the employee held in the  
30 classified service until July 1, 2016. If an employee in the management**

1 **service on the effective date of this 2013 Act does not elect to return**  
2 **to the classified service by that date, the employee forfeits the right**  
3 **to do so.**

4 **“SECTION 4. This 2013 Act takes effect on July 1, 2015.”.**

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