

Senate Bill 288

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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**.

Modifies reinstatement rights of unclassified and exempt services employees who have immediate prior former regular status in classified service.

A BILL FOR AN ACT

1
2 Relating to reinstatement rights of certain employees in state service; amending ORS 240.570.

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

4 **SECTION 1.** ORS 240.570, as amended by section 1, chapter 22, Oregon Laws 2014, is amended
5 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 management service employee is subject to a trial service period established pursuant to
18 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 may be removed or
20 dismissed from the management service if the employee is unable or unwilling to fully and faithfully
21 perform the duties of the position satisfactorily.

22 (4) Management service employees who are assigned, reassigned, transferred or removed, as
23 provided in subsection (2) of this section, and employees who are disciplined, removed or dismissed
24 from the management service as authorized in subsection (3) of this section may appeal to the Em-
25 ployment Relations Board in the manner provided by ORS 240.560.

26 (5)(a) Management service employees with immediate prior former regular status in the classi-
27 fied service who are removed from trial service pursuant to ORS 240.410 have a right to be restored
28 to their former positions.

29 (b) Except as provided in paragraph (a) of this subsection, [*management service*] employees with
30 immediate prior former regular status in the classified service who are appointed to the **unclassi-**

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 **fied, exempt or** management service and who have not been [*dismissed*] **terminated from the**
2 **unclassified or exempt service or removed** from the management service for a reason specified
3 in ORS 240.555:

4 (A) Prior to January 1, 2015, have the right to restoration to the classified service for three
5 years from the date of appointment to the **unclassified, exempt or** management service. **If an**
6 **employee is restored to a former position, the employee is subject to any applicable agency**
7 **collective bargaining agreement.**

8 (B) After December 31, 2014, have no right to restoration to the classified service.
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