

House Bill 2861

Sponsored by Representative EVANS

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**.

Grants Governor authority to declare economic emergency. Authorizes state agencies to reclassify managerial employees to at-will employment status and to adjust staffing levels of managerial employees.

Requires state agency that reclassified managerial employees to at-will employment status to review personnel adjustments made during economic emergency to determine value of those adjustments and to report findings to Governor and Legislative Assembly.

A BILL FOR AN ACT

1
2 Relating to state personnel management of managerial employees during an economic emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) "At-will employment status" means employment in a position that serves at the
6 pleasure of the appointing authority and that may be terminated at any time without cause.

7 (b) "Economic emergency" means the period following the issuance of a state revenue
8 forecast by the Oregon Department of Administrative Services that projects a deficit in the
9 state budget of at least \$100 million.

10 (c) "Managerial employee" has the meaning given that term in ORS 243.650.

11 (2) The Governor may exercise the authority granted under ORS 401.165 to declare an
12 economic emergency. If an economic emergency has been declared, the Governor may au-
13 thorize state agencies to adjust staffing levels among managerial employees by reclassifying
14 managerial employees to at-will employment status for the duration of the economic emer-
15 gency.

16 (3) Notwithstanding ORS 240.570, if the Governor declares an economic emergency and
17 authorizes reclassification of managerial employees under subsection (2) of this section, a
18 state agency may reclassify a managerial employee to at-will employment status and may
19 adjust staffing levels among managerial employees.

20 (4) Managerial employees reclassified to at-will employment status as authorized in this
21 section may not exercise any right to replace another employee on any basis, including sen-
22 iority.

23 (5) During an economic emergency, a state agency may not participate in a performance
24 improvement plan, progressive discipline policy, corrective action plan or similar plan or
25 policy that provides an at-will employee with more than 60 days to improve or correct the
26 conduct at issue.

27 (6)(a) Not more than six months after the economic emergency declared by the Governor
28 has been declared over, each state agency that reclassified managerial employees to at-will
29 employment status shall review the personnel adjustments made as a result of the declara-

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 **tion of economic emergency. The review shall evaluate the value of the functions of adjusted**
2 **positions without regard to the specific personnel who have been reclassified, transferred or**
3 **terminated during the period of economic emergency.**

4 **(b) After conducting the review required by this subsection, the state agency shall submit**
5 **a report to the Governor and to the Legislative Assembly in the manner specified in ORS**
6 **192.245.**

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