



## LEGISLATIVE ADMINISTRATION

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Employee Services

**To:** Legislative Administration Committee  
**From:** Daron Hill, Legislative Administrator  
**Date:** January 7, 2020  
**Subject:** Proposed Rules

Please see the summary below outlining the proposed changes to the Legislative Branch's personnel rules.

### **Legislative Branch Personnel Rules:**

Employee Services drafted proposed changes to LBPR 1, 2, 4, 6, 8, 14, 16, 17, 28, 29 and 30. Proposed repeal of LBPR 7. These following rules all have compliance-related changes to either align the branch rule with current law or updates made to other LBPRs.

#### **Rule 1: General Provisions (has member applicability language).**

- Update to include references to the Secretary of the Senate's Office, Chief Clerk's Office, LPRO and LEO
- Update 30 day notice language
- Add language related to alternate procedures for rule modification
- Include language related to branch compliance with state wage and hour laws
- Move "Separation of powers" subsection from LBPR 4 to LBPR 1
- Include exception to LBPRs language and process

#### **Rule 2: Definitions (applies to members).**

- Update definitions to include LPRO and LEO
- Update definition of "employee"
- Update definitions to include BOLI's definition of "compensation" and "equal pay analysis"
- Add clarifying language for introductory period time frame
- Add pay equity language to term "red-circled"

#### **Rule 4: Compensation and Salary Administration (has member applicability language).**

- Language updated throughout rule to bring us into statutory compliance with Pay Equity – to include appeal language and process
- Update introductory period language
- Automate introductory and annual merit increases to ensure timely increases
  - Language includes withholding of increase due to performance issues
  - Performance issues must be communicated to employee and documented prior to denial

- Merit bonus language
  - Provides criteria to ensure equity and justify bonus
  - Lump sum payment or equivalent administrative leave
  - One bonus per calendar year
  - Cap on amount – one month’s salary or equivalent administrative leave
  - Approval by appointing authority and Employee Services
- Update branch-wide compensation or differential changes to the Legislative Administration Committee or designee
- Differential amounts determined
  - Shift differential increase to \$1 to match executive branch
  - Work out class 5% or bottom step of new range – whichever is greater
  - Lead differential 5%, 10% max when justified
  - One new proposed differential for short session staff
- Increase moving expenses
- Include tax consequences language for moving expense reimbursement
- Update compensation time payout at termination to ensure employee has benefit of higher rate of pay
- Include language to allow an appointing authority to extend work out of class assignment
- Include judicial and executive branch employees in Transfer section language
- Remove language prohibiting the reduction of an employee’s salary (LWOP)
- Update overtime language to comply with state wage and hour laws
- Update overtime language to have Employee Services determine position’s overtime eligibility
- Propose Separation of Power section move to LBPR 1

Rule 6: Recruitment, Selection and Hire (does not apply to members).

- Update to include veterans’ preference language regarding compliance with ORS 408.237 (interviewing)
- Clarify offer letter contents
- Add in required document language from LBPR 7, Documents Required for Employment (**Recommendation:** Repeal LBPR 7)
- Remove “Introductory period” language which is already contained in multiple policies and retain “at-will” status language

Rule 7: Documents Required for Employment. Employee Services recommends this rule be repealed with compliance of I-9 information moved to the LBPR 6 Recruitment, Selection and Hire.

Rule 8: ADA (applies to members).

- Update universal access language to clarify employee accommodation requests and branch responsibilities
- Define “reasonable accommodation”

- Update rule to comply with HB 2341 from the 2019 Legislative Session
  - Notice requirements
  - Language related to pregnancy accommodations
  - Add in retaliation prohibition language

Rule 14: Vacation Leave (does not apply to members).

- Add language to allow personal staff vacation time credit for work during session if hired on in a continuing status position post-session
- Update donated leave information to allow donations when employee on non-protected leave for a serious health condition
- Grammatical fixes throughout policy
- Obsolete language removed (referencing actions occurring before 1/1/2014)

Rule 16: Paid Sick Leave (does not apply to members).

- Clarify language regarding temporary status employees' amount of sick leave accrual
- Add language for notice of anticipated use of sick leave
- Move workers' compensation language to more appropriate spot within policy
- Add language regarding examinations and inquiries
- Add language related to reinstatement of injured worker in compliance with law
- Add language related to unused sick leave for reinstated temporary employees
- Update language in "Effect of rehire" section to clarify unused sick leave restoration
- Minor grammatical edits throughout policy

Rule 17: Other types of Leave (does not apply to members).

- Add in language under Administration Leave referencing pay equity
- Minor grammatical fixes throughout policy
- Clarify the amount of personal business leave
- Update language to include more information related to domestic violence leave
- Add in language about transferring employee and ability to transfer personal business leave
- Add in OFLA bereavement leave language
- Update language on leave related to a building closure or curtailment
- Remove operative date language

Rule 28: Safe and Healthy Workplace (applies to members).

- Update language in "Violation" section
- Prohibition of retaliation language included

Rule 29: Building or Office Closure or Curtailment (applies to members).

- Update the reporting time and notification language so both the guide and rule match

- Clarify language around reporting and Legislative Administrator's duties

Rule 30: Safety and Wellness Committee (does not apply to members).

- Update to include references to Secretary of the Senate's Office, Chief Clerk's Office, LPRO and LEO
- Minor grammatical edits throughout

We propose these rules, if approved, be effective February 17, 2020.