



LEGISLATIVE ADMINISTRATION

Employee Services

To: Legislative Administration Committee

From: Brett Hanes, Legislative Administrator

Date: November 8, 2023

Subject: Proposed Legislative Branch Personnel Rule Changes Summary

Please see the summaries below for specific proposals to update the Legislative Branch's personnel rules. We have noted where the update is related to a specific change in law or rule in **bold type** as opposed to an update to current practices or to correct a typographical or grammatical error.

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

- Update rule and reference material notations
- Grammatical edits
- **Include references to collective bargaining agreements/represented staff regarding exceptions to the collective bargaining agreement**

Rule 2: Definitions (has member applicability language).

- Remove incorrect reference to limited duration positions in the definition of "Introductory Period".
- Update the term "Mobile work" to "Remote work" and update the definition.

Rule 4: Compensation and Salary Administration (does not have member applicability language).

- Update language in (7) Introductory Period to include limited duration employees as eligible for six-month salary increase at the end of their introductory period.
- Update language in sections (7) Introductory Period, (8) Annual Merit Increase, and (10) Promotional Increases to match that the salary change is effective the first day of the following month.
- Updated language in (12) Reclassification to ensure equitable pay practices.
- Updated language in (13) Demotion to ensure equitable pay practices.
- Update language in (15) Rehire to reflect practice of placing a returning employee on their rate of pay if rehired within two years unless a pay equity analysis indicates a higher rate of pay.
- **Update language in (20) Partial day Absences to comply with BOLI Wage & Hour rules.**
- **Update language in (27) to add in member, leadership, and caucus offices to comply with wage and hours laws.**

Rule 5: Equal Employment Opportunity (applies to members).

- Correct the title of Rule 27.

Rule 8: Americans with Disabilities Act (ADA – applies to members).

- Include additional example for emergency situations under accommodations.
- Update language to clarify intent

Rule 10: Travel Expense Reimbursement (does not apply to members).

- Update rule to prohibit reimbursement of travel expenses to remote workers when required to be in person at the worksite.

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

- Remove exclusionary language in applicability section of personal staff of members not being able to request payment of vacation leave in lieu of time off
- Update language in (8) Payment for vacation leave in lieu of time off language to include unrepresented person staff of members
- Update language in (9) Donation of vacation leave for sick leave purposes to clarify what leave and leave benefits must exhaust prior to requesting donated leave and change any excess donated leave is returned to the donor and not retained by the requestor
- **Add in section (11) Use of Vacation Leave and Paid Leave Oregon Benefits.**

Rule 15: Family and Medical Leave (does not apply to members).

- **Remove references to FMLA – branch is not subject**
- **Update section (4) Eligibility requirements, to reflect changes in law**
- **Add references to Paid Leave Oregon throughout rule**
- **Update section (6) Qualifying Conditions for Leave, to reflect changes in law/administrative rules**
- Update section (8) Use of accrued leave, to reflect policy of allowing employees use of accrued leave to supplement Paid Leave Oregon benefits
- **Update section (9) Calculation of leave, to reflect change in law on leave year and amount of leave available**

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

- **Update to include references to Paid Leave Oregon benefits throughout (eff 9/3/2023)**
- **Remove references to FMLA – branch is not subject**
- **Update use of leave to include updated statutory and OAR definitions (family member, affinity and domestic partner)**
- Update language to add Workday versus form when a workplace injury or incident occurs
- Grammatical edits
- Remove redundant language

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

- Add reference to military donated leave
- **Updates to include references to Paid Leave Oregon benefits (eff 9/3/2023)**

Rule 21: Political Activity (does not apply to members).

- **Update language to comply with new law effective 1-1-2024 (SB 168)**

Rule 22: Official Employee Personnel Records (has member applicability language).

- **Update statutory references**
- Update retention periods
- Add in reference to retention of corrective actions

Rule 24: Family and Personal Workplace Relationships (applies to members).

- **Update rule to only exclude members and their personal staff**

Rule 26: Mobile Work Agreements (does not apply to members).

- Update title from “Mobile” to “Remote” throughout rule
- Clarify remote work expectations
- Add in language related to travel expenses when working remote
- NOTE: Mobile Work Agreement Form has also been updated to match rule

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

- **Add in a member of the bargaining unit**
- Update section (5)(b) Duties and functions – change annual review of OSHA records from January to March when Employee Services has completed their review and posted required reporting.

Please let us know if there are any questions or specific information that may be helpful for your review and consideration.