
State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 4: Compensation and Salary Administration

APPLICABILITY: This rule applies to all employees of the Legislative Branch, including temporary status employees where required by law, and where not in conflict with an applicable collective bargaining agreement or law. This rule does not apply to members of the Legislative Assembly except in their capacity as appointing authorities or where otherwise noted.

(1) Purpose. The purpose of this rule is to provide a uniform and equitable system for establishing and assigning salary levels and administering pay to recruit and retain a high-quality workforce.

(2) Preparation of compensation plan. For each class of work, a minimum and maximum pay rate, and intermediate rates as necessary, shall be established. The rates assigned to each class must reflect the differences in the duties, authorities and responsibilities of the class. The compensation plan must be based on a market salary review as described in subsection (31) of this rule. Data considered as part of market salary review may include, but need not be limited to, rates paid by other public and private employers for comparable work, Legislative Branch policies and financial conditions, unusual recruitment and retention circumstances and other relevant salary and economic data. The presiding officers may review the compensation plan or any applicable market data, and may amend, approve or deny any compensation plan changes, provided that any changes comply with this rule and any applicable state or federal law.

(3) New Hire.

- (a) An employee may not be hired at less than the current Oregon minimum wage.
- (b) A prospective employee may not be asked about current or past salary history at any time during the hiring process.
- (c) A prospective employee may not be initially offered compensation based on current or past compensation. An employee shall be appointed at a rate that complies with the equal pay requirements of ORS 652.220, 659A.357, and this rule.
- (d) An offer including salary may not be extended until an equal pay analysis is completed by Employee Services and the salary offered shall be based on the equal pay analysis.

(4) Part-time employees. Any employee hired to work less than full time (40 hours per week) is a part-time employee. A part-time employee may be scheduled to work any percentage of full-time work if the percentage is a whole percent and does not total more than 100 percent.

(5) Hiring bonus. An appointing authority may offer an employee a lump sum payment following an equal pay analysis completed by Employee Services when, at the time of hiring, promotion or lateral transfer, there is a difficult recruitment situation, and the payment is needed in order to fill the position. Documentation of the specifics of the payment must be retained in the recruitment file or, if hired, in the employee's personnel record.

(6) Moving expenses. An appointing authority may reimburse actual moving expenses for a newly hired employee, not to exceed a total of \$20,000. The appointing authority shall require receipts for any reimbursement request exceeding \$5,000. A condition of moving expense reimbursement is agreement to repay any moving expense reimbursement in an amount equal to the amount of moving expenses reimbursed multiplied by the percentage of the 24-month commitment not served by the employee. The employee is not responsible for repayment of moving expense reimbursement if the employee is terminated at the discretion of the appointing authority under terms of at-will employment.

(7) Introductory period.

(A) During an introductory period, an employee is trained and oriented to the employee's position in the Legislative Branch. In general, an employee is not eligible for a raise or promotion during an introductory period. An introductory period lasts for six months but may be extended by the appointing authority.

(B) After completion of an introductory period, an employee, including a limited duration employee, normally receives a one-step salary increase if the increase does not exceed the maximum rate in the range. The increase becomes effective on the first day of the month following successful completion of the introductory period. The salary eligibility date is one year after the employee's most recent increase.

(C) If an appointing authority extends an introductory period due to performance or behavioral issues, the employee may not receive a step increase unless and until the employee's performance or behavior is satisfactory.

(D) An appointing authority shall provide the employee with feedback prior to denying any step increase and document the feedback in the employee's personnel record.

(E) An appointing authority may not withhold a salary increase due to budgetary reasons unless a branch-wide salary freeze is in effect.

(8) Annual merit increase.

(a) A limited duration status employee or an employee in a continuing status position normally receives an annual one-step merit increase on the employee's salary eligibility

date when the employee's base rate of pay does not equal or exceed the maximum rate for the employee's salary range. The increase is effective the first day of the following month.

(b) If an appointing authority postpones or denies a merit step increase, the appointing authority shall provide the employee with feedback prior to postponing or denying any step increase and document the feedback in the employee's personnel record.

(c) At any time during the year following the postponement or denial of an annual merit increase, the appointing authority may grant the increase. Postponing or denying an annual merit increase does not change an employee's salary eligibility date.

(d) When an appointing authority postpones or denies a merit step increase, the appointing authority must notify Employee Services.

(9) Salary Eligibility Date. For each period of leave without pay that is in excess of 15 consecutive calendar days, the employee's recognized service date shall be permanently adjusted by adding to the salary eligibility date the number of calendar days absent, thereby making the eligibility date later than it would have been if leave without pay had not been taken. This subsection does not apply to unpaid leave authorized under LBPR 15.

(10) Promotional increases.

(a) Upon promotion, an employee normally receives an increase in pay equivalent to one step, unless additional steps are required to compensate the employee at the first step of the new classification or an equal pay analysis indicates a higher rate of pay not to exceed the maximum rate of pay. All equal pay analysis documentation shall be retained in the employee's personnel record for the established rate of pay.

(b) An employee who is promoted and not paid the top step shall receive a step increase six months following the effective date of the promotion and is payable the first day of the following month, unless the employee's supervisor or appointing authority determines that a step increase is not warranted due to performance or behavioral issues. If an appointing authority postpones or denies a step increase six months following a promotion, the appointing authority shall provide the employee with feedback. The salary eligibility date for the annual merit increase is one year after the promotional increase.

(c) When an appointing authority postpones or denies a merit step increase, the appointing authority must notify Employee Services.

(11) Transfer. When an employee transfers from one position to another position from the Legislative, Judicial or Executive Branch in the same or comparable classification or a classification having the same or comparable salary range, the employee's base rate of pay remains the same. Employee Services will assist the transferring employee's appointing authority to determine a comparable salary range for a transferring employee when an employee transfers from another branch. The employee's status and salary eligibility date are not affected unless the employee serves an introductory period. If the employee serves an introductory period and is

granted a step increase at the end of the introductory period, the employee's salary eligibility date is set one year thereafter.

(12) Reclassification.

(a) Upward.

(A) Except as described below, when an employee's position is reclassified to a higher classification, the employee normally goes to the same salary step in the new range as the prior range unless an equal pay analysis determines otherwise. An employee's salary may not be decreased as a result of an upward reclassification. The employee's status and salary eligibility date are not affected by the reclassification.

(B) Under unusual circumstances, an appointing authority may, in consultation with Employee Services, grant an additional step upon upward reclassification. An additional step increase may be granted only if an equal pay analysis performed by Employee Services supports granting the additional step increase. Unusual circumstances include, but are not limited to, an employee's scheduled salary eligibility date closely following the effective date of the upward reclassification, or the employee having received a differential for a substantial duration that will no longer continue after the upward reclassification. Such an increase may not cause the employee's new base rate of pay to exceed the maximum rate of the higher-level classification. Necessary justification documentation must be maintained in the employee's personnel record.

(b) Downward. When an employee's position is reclassified to a lower classification, the employee's base rate of pay and status are not affected. If the employee's base rate of pay is higher than the maximum rate of pay for the class to which the employee is reclassified, the employee shall be red-circled. If the employee's base rate of pay is lower than the maximum rate for the class to which the employee is reclassified, the employee's salary eligibility date is not affected.

(13) Demotion.

(a) Voluntary demotion.

(A) When a regular status employee or a limited duration status employee requests and is granted demotion to a classification having a lower salary range, the employee's base rate of pay shall be kept at the current rate in the new range until the employee's salary eligibility date and the employee moves on step and is granted the merit increase unless the employee is at the maximum step in the range. The employee's salary eligibility date shall not be affected. However, if the employee's base rate of pay is above the maximum rate for the lower salary range, the employee's base rate of pay shall be decreased to the maximum rate of the lower

salary range, and the month and day of the employee's salary eligibility date shall be maintained. The employee's status is not affected.

(B) When an employee who has been promoted and is on a promotional introductory period requests and is granted demotion back to the employee's prior classification, the appointing authority shall reduce the employee's base rate of pay to the step in the salary range that the employee was at prior to promotion. The month and day of the employee's prior salary eligibility date shall be restored, and the employee shall receive the annual increase the employee would have otherwise received, if any, but for the promotion. The employee's status returns to what it was prior to promotion.

(C) When an employee promotes and is on a promotional introductory period voluntarily demotes into a lower classification, the employee's base rate of pay is determined after Employee Services completes a pay equity analysis. The employee receives a step increase after six months, and every year thereafter unless or until they are at the top step.

(D) When an employee in an initial introductory period, or a limited duration status employee who has been employed for less than one year, requests demotion to a classification having a lower salary range, the appointing authority shall adjust the employee's base rate of pay, not including differentials, to the lower salary range and may adjust the employee's base rate of pay to any rate of pay within that salary range that is equal to or lower than the employee's base rate of pay prior to demotion. The employee's salary eligibility date is not affected, provided the employee's base rate of pay does not equal the maximum rate of the lower salary range. The employee's status is not affected.

(b) Involuntary demotion. When an employee is involuntarily demoted, the appointing authority shall adjust the employee's salary range to the salary range for the position to which the employee is demoted. The employee's status is not affected. The employee's salary eligibility date is not affected provided the employee's base rate of pay does not equal the maximum rate within the lower salary range.

(c) Employee Services must complete an equal pay analysis. If the equal pay analysis so determines, the employee shall be granted a higher pay rate within the range. Equal pay analysis documentation must be retained in the employee's personnel record.

(14) Red-circled employees. The base rate of pay of an employee who becomes red-circled may not be increased, including by cost of living increases, until the salary amount being paid is within the salary range established for the position. An employee whose salary is red-circled is not considered to have received a reduction in the employee's level of compensation for the purposes of complying with the equal pay provisions under ORS 652.220.

(15) Rehire. Upon rehire, an employee's base rate of pay, not including differentials, shall be determined after an equal pay analysis is completed by Employee Services and shall be based on

the equal pay analysis. If the employee reemploys to the same classification within two years, the employee returns to the same step they were at when they left unless a pay equity analysis indicates a higher rate of pay. Equal pay analysis documentation shall be retained in the employee's personnel record.

(16) Merit bonus.

(a) An appointing authority, following the completion of an equal pay analysis by Employee Services, may grant a lump sum payment, or an equivalent amount of leave, to a current eligible employee when the employee's performance exceeds expectations and meets the following criteria:

- (A) The exceptional performance is documented by objective criteria;
- (B) Longevity;
- (C) Special assignment;
- (D) Achieved special job-related skills;
- (E) Training or education;
- (F) Extensive hours; or
- (G) Extensive travel.

(b) Lump sum payments or equivalent administrative leave may only be given one time in a 12-month period. The employee must be employed for at least six calendar months or employed through a long session (February through June) to be eligible. The amount may not exceed one month of an eligible employee's gross monthly salary or equivalent amount of administrative leave. Necessary justification documentation is maintained in the employee's personnel record.

(17) Special salary adjustments.

(a) An appointing authority, after consultation with Employee Services, may grant a one-step special salary adjustment, up to the salary range maximum, to any employee who is not in a temporary position, who has completed six months of employment and, if applicable, who has completed six months of the current introductory period. A one-step special salary adjustment may be granted only if an equal pay analysis performed by Employee Services supports granting the special salary adjustment.

(b) A special salary adjustment is to be reserved for truly exemplary performance or for uniquely compelling circumstances. An appointing authority who wishes to grant a special salary adjustment to an employee must submit, for inclusion in the employee's personnel record, written justification that clearly demonstrates how this expenditure is equitable and in the best interest of the Legislative Branch.

(c) An employee may receive no more than one special salary adjustment in any 12-month period. Such an adjustment does not affect an employee's salary eligibility date.

(18) Compensation plan changes. Changes in the compensation plan are effective on the date specified by the presiding officers. All compensation plan changes are subject to availability of funding.

(19) Partial pay period. If an employee works less than a full calendar month in a pay period due to hire, termination or leave without pay, the employee's pay for that month shall be computed on a prorated basis using the number of available work hours, based on the employee's schedule, in that month.

(20) Partial day absences. An employee who is not eligible for overtime and has a partial day absence will be in leave without pay status if they do not use or has exhausted their accrued paid leave.

(21) Overtime.

(a) Employee Services shall determine the overtime eligibility for each position based on applicable federal or state standards governing overtime eligibility.

(b) Overtime-eligible employees are eligible for overtime when:

(A) Time worked is in excess of 40 hours in one workweek; or

(B) Time worked in a single workday exceeds 12 hours. In such a case, overtime is calculated and paid only for the time worked in excess of 12 hours in any one workday or in excess of 40 hours worked in one workweek.

(c) Overtime eligible employees who work overtime shall receive pay at one and one-half of the employee's rate or accrue compensatory time at the rate of one and one-half of the employee's rate, except that an employee may accrue a maximum amount of 240 hours of compensatory time. An employee who has accrued 240 hours of compensatory time and who works overtime must receive cash payments for the overtime worked in excess of 240 hours.

(d) Unauthorized overtime. An overtime-eligible employee who performs overtime work without authorization from the employee's supervisor may be subject to discipline. Even if the time worked is unauthorized, an overtime-eligible employee shall be compensated for any overtime worked in the manner outlined in paragraphs (b) and (c) of this subsection.

(e) Volunteering. An appointing authority may not allow an employee who is overtime-eligible and who has worked 40 hours in a workweek to perform work that is the same or similar to the employee's regularly assigned duties on a volunteer basis. Voluntary work performed by an overtime-eligible employee during a workweek in which the employee has worked 40 hours is considered time worked for purposes of computing overtime.

(22) Recording and compensation. In the case of overtime-eligible employees, all time worked must be recorded on the employee's timesheet. Overtime is compensated at the rate of one and one-half times the employee's regular hourly rate of pay at the time the overtime is worked. For

the purpose of calculating overtime, accrued paid leave that is used is not considered as time worked, but a paid holiday that is taken off is considered as time worked.

(23) Use of compensatory time.

(a) In the case of overtime-eligible employees, compensatory time is available for use any time following the workday in which it is earned. The use of compensatory time may be requested by the employee or may be required by the appointing authority.

(b) The use of compensatory time must be scheduled in advance.

(c) A supervisor shall grant an overtime-eligible employee's request to use accrued compensatory time unless doing so would unduly disrupt business operations.

(d) Compensatory time must be used within 18 months. After 18 months, unused compensatory time will be paid to the employee at the employee's current rate of pay.

(24) Compensation and compensatory time at termination. In the case of overtime-eligible employees, an employee who terminates employment shall be paid for accrued compensatory time at the employee's regular hourly rate at termination.

(25) Compensation and compensatory time upon transfer or promotion.

(a) When an overtime-eligible employee transfers or is promoted to a different position in the Legislative Branch, the appointing authority for the position being vacated shall pay the employee for all accrued compensatory time earned prior to the effective date of transfer or promotion at the regular hourly pay rate the employee was receiving on the workday prior to transfer or promotion.

(b) The appointing authority for the position being filled may, prior to the effective date of the transfer or promotion, agree in writing to allow the employee to retain some or all of the employee's accrued compensatory time, which then becomes the liability of the legislative unit or agency to which the employee is transferring or being promoted.

(26) Compensation and compensatory time before termination. An appointing authority may elect at any time to pay an overtime-eligible employee in cash for all or a portion of compensatory time after such time has been accrued. If an employee is paid for accrued compensatory time before termination, payment shall be made at the employee's regular hourly pay rate at the time of payment.

(27) Second jobs. When an employee applies for a second job within the Legislative Branch:

(a) If an employee works part time for the first legislative agency, member, leadership, caucus or parliamentary office and if the second legislative agency, member, leadership, caucus, or parliamentary office job has the same or similar duties, the two entities shall mutually agree on the employee's overtime eligibility status and any overtime

pay obligation. Unless both entities agree otherwise, the legislative agency or office employing the employee at the time the employee exceeds 40 hours in one workweek shall pay any overtime for which the employee is eligible.

(b) If the second legislative job is in a different capacity than the employee's regular job and is occasional or sporadic, the second legislative agency or office may hire the employee without overtime pay liability. As used in this paragraph:

(A) "Different capacity" means employment involving duties that do not fall within the same general occupational category as the employee's regularly assigned duties.

(B) "Occasional or sporadic" means infrequent, irregular or occurring in scattered instances.

(28) Separation of powers.

(a) Unlike the United States Constitution, which establishes separation of powers only by implication, the Oregon Constitution contains a specific requirement dividing state government into three separate branches: the Legislative, the Executive and the Judicial. The Oregon Constitution further provides that no person charged with official duties under one of these branches shall exercise any of the functions of another, except as otherwise expressly provided in the Constitution. *See* Article III, section 1, Oregon Constitution.

(b) Article III, section 1, prohibits:

(A) Employees of one branch from undertaking a duty or function that belongs in another branch;

(B) Employees of one branch, in performing a duty appropriate to that branch, from doing so in a way that unduly interferes with the operation of another branch's function; and

(C) The same person from simultaneously performing duties as an affiliate of more than one branch.

(c) Due to Article III, section 1, employees may not work for more than one branch of government simultaneously.

(29) Differentials.

(a) Shift differential.

(A) Shift differential applies to any employee who is in an overtime-eligible position and whose regularly scheduled workday falls entirely or partially within the hours of 6:00 p.m. and 6:00 a.m. or on Saturday or Sunday and is applied to actual time worked. The differential is \$1.00 per hour and is considered in the calculation of overtime pay.

(B) Shift differential may not be computed at the rate of one and one-half the employee's regular rate of pay for a shift occurring on a holiday.

(C) Shift differential is not applied to base pay rates for computation of pay during leave with pay.

(D) An appointing authority and employee may mutually agree, in advance and in writing, to waive the payment of shift differential. A waiver is possible only when an employee requests to work a schedule that would otherwise qualify for payment and the approval is based on the employee's personal preference rather than business need.

(b) Work out of class.

(A) Eligibility and rate. Except as described below, an employee assigned in writing to perform duties of an existing, higher-level classification for a period of 10 or more consecutive work days must be compensated for the performance of such duties. The rate of pay for temporary duties at a higher classification is either:

(i) Five percent of the employee's base rate of pay; or

(ii) The difference between the employee's base rate of pay and the first step of the higher (WOC) classification's salary range, whichever is greater.

The pay rate may not exceed the top step of the higher level of classification.

(B) Duration. Work out of class duties may be assigned for a specified period not to exceed one year. An appointing authority may extend a work out of class assignment beyond one year under unusual circumstances.

(C) Waiver. When an employee is assigned higher-level duties that would otherwise qualify for work out of class, the employee and appointing authority may mutually agree to waive the work out of class when the purpose of the assignment is to give the employee the opportunity to learn a higher-level job skill.

(c) Lead differential.

(A) An employee may receive a one-step lead differential when an appointing authority assigns lead work or team leader duties to that employee for a period of 10 or more consecutive work days. The appointing authority shall consult with the Human Resources Director prior to authorizing such payment.

(B) Lead differential does not apply to employees whose classifications normally include lead work or team leader duties, or to voluntary training or developmental assignments.

(C) Payment of a lead differential must be designated for a specific lead work or team leader assignment, project or time period as determined by the appointing authority. The employee must be paid for the full period during which the duties are assigned.

(D) When an employee who is receiving a lead differential is temporarily assigned to perform work that qualifies for a work out of class differential, the appointing

authority may continue the lead differential for the duration of the work out of class assignment for up to one year.

(E) While this differential is normally one step, the appointing authority may determine that two steps are warranted when the lead work assignment is significantly larger as a result of factors including, but not limited to:

- (i) The number of employees led.
- (ii) The number of work units led.
- (iii) The complexity of, or differences between, the work unit or units led.
- (iv) The number of geographic locations in which the employee is leading staff.

(F) The appointing authority shall document and retain the reasons for granting a two-step lead differential.

(G) As used in this sub-subparagraph, “lead work or team leader duties” includes duties where, on a recurring or daily basis, the employee has been assigned the responsibility to perform substantially all the following functions:

- (i) Training or orienting new employees.
- (ii) Assigning and reassigning tasks to other employees.
- (iii) Giving direction to other employees concerning day-to-day work procedures.
- (iv) Communicating established standards of performance to affected employees.
- (v) Reviewing the work of other employees to ensure conformance to established standards.
- (vi) Providing informal assessment of employees’ performance to the supervisor.

(d) On-call differential.

(A) When an overtime-eligible employee is required to work times other than the employee’s regular, flexible or irregular work schedule in order to perform work before the employee’s next regularly scheduled work day, the employee must be compensated with an on-call duty differential.

(B) An overtime-eligible employee who is on-call and available for work need not be subject to restrictions that prevent the employee from using on-call time for the employee’s own purposes, but must be available, within 60 minutes of being requested, to consult by telephone or to report promptly for work. On-call duty differential pay may not be applied to base pay rates for computation of pay during leave with pay.

(C) An on-call employee who returns to work when requested shall be paid the on-call differential for a minimum of two hours at the rate of time and one-half. Additional time worked is paid on an hourly basis for each hour or major portion of an hour worked at the rate of time and one-half. As used in this subparagraph, “major portion of an hour” means 30 minutes or more.

(D) On-call duty differential does not apply to employees working in overtime situations or whose flexible or irregular work schedule falls between 5 p.m. and 8 a.m. or on weekends.

(e) Short session differential.

(A) Employees hired to staff short session duties are eligible for a five or ten percent differential.

(B) Short session employees are not eligible for any benefits other than those required by law.

(C) The differential is only available December through April for sessions occurring in even numbered years.

(f) Longevity differential. If an employee spends five years at the top step of their pay range, the employee is granted a longevity step of 5% added to their base rate of pay. For each additional five years following the first longevity step, an employee is granted an additional 5% up to a maximum total of 20%. Employees will be eligible for this differential beginning January 1, 2026.

(g) Language differential. Employees are eligible for a 5% differential to their base rate of pay when:

(A) The employee is proficiently bi-lingual or multi-lingual; AND

(B) The employee is required by their supervisor or appointing authority to utilize their language skills in the regular course and scope of their duties.

A request by the appointing authority to Employee Services should document the need, utilization and expectation of the language skills for the staff receiving the differential. The employee is eligible for the 5% differential for the duration of the bi-lingual or multi-lingual assignment. Necessary justification documentation is maintained in the employee's personnel record.

(h) The Presiding Officers may establish any other differential, in addition to those listed above, determined by the Presiding Officers to be necessary.

(30) Call back.

(a) An overtime-eligible employee who has been released from duty and who must return to the work site to perform work before the employee's next regularly scheduled work day shall be compensated for a minimum of two hours of work. The work may be performed:

(A) At the employee's work site.

(B) At a work site other than the employee's official work site.

(b) Time worked that is a continuation of or immediately preceding an overtime-eligible employee's normal work schedule, that is scheduled in advance or that does not require the employee to physically travel to a work site does not constitute call back. An employee may be called back only by the appointing authority or by the employee's immediate supervisor.

(c) A full-time overtime-eligible employee shall be compensated for call back time in excess of 40 hours in a work week in accordance with subsection (21) of this rule. A part-time overtime-eligible employee shall be compensated for call back time at straight time and shall be paid at the hourly rate equivalent to the employee's current salary. If a part-time employee's call back time, when combined with the employee's regular hours worked in a work week, exceeds 40 hours, the work in excess of 40 hours shall be compensated in accordance with subsection (21) of this rule.

(31) Market salary review.

(a) As soon as is practicable after adoption of this rule and using data gathered before, on or after this rule was adopted, and then every three years, beginning in 2023, a branch-wide market study shall be done comparing the branch salaries against the current market.

(b) After review of the results by Employee Services and appointing authorities, recommendations shall be presented to the Presiding Officers for an implementation decision.

(c) An employee's salary may not be reduced as a result of the review.

(32) Equal pay appeal procedures.

(a) An employee may appeal an equal pay analysis determination of salary made by Employee Services when the employee believes their work experience or any other factor set forth in ORS 652.220 (2) was not accurately reflected in the determination and the employee believes their pay is inequitable. An employee may not contest a market salary review or data used in the market salary review. An appeal under this paragraph shall be made as follows:

(A) An employee may make a written request for reconsideration to the employee's appointing authority and Employee Services within 60 calendar days after receipt of any equal pay analysis results. The employee's request for reconsideration shall identify all work experience or other factors that the employee believes were not properly considered and include all supporting documentation, if any.

(B) Employee Services shall respond in writing to the employee's request within 30 calendar days from receipt of the written request and all necessary information and documentation.

(C) The parties may agree to extensions of time from the process outlined in this section upon written mutual agreement.

(D) All documentation shall be retained with the employee's personnel record.

(E) Any salary adjustments shall be effective on the first day of the month following the decision.

(b) The appeal shall only relate to the employee's own salary. An employee cannot appeal on behalf of or because of decisions made on another employee's salary.

(c) An appointing authority may appeal:

(A) An equal pay analysis determination of salary made by Employee Services for an employee when the appointing authority believes the employee's work experience or any other factor listed in ORS 652.220 (2) was not accurately reflected in the determination and the appointing authority believes the decision is inequitable; or

(B) A determination by Employee Services of the job classification for a particular position or individual employee, if the appointing authority believes the job classification applied to the position or individual employee is inequitable.

(d) An appointing authority may not appeal a market salary review or data used in the market salary review.

(e) An appeal brought under paragraph (c) shall be made as follows:

(A) An appointing authority may make a written request for reconsideration to Employee Services within 30 calendar days after receipt of any equal pay analysis determination or job classification. The appointing authority's request for reconsideration shall identify all education or experience factors the appointing authority believes were not properly considered and include all supporting documentation, if any.

(B) Employee Services shall respond in writing to the appointing authority's request within 30 calendar days from receipt of the written request and all necessary information and documentation.

(f) If the employee or appointing authority believes Employee Service's decision on a request for reconsideration made under paragraph (a) or (c) of this subsection is inequitable, the employee or appointing authority may appeal the decision as follows:

(A) Within 60 calendar days of the decision, the appellant may file a formal appeal with the Legislative Administrator:

(i) If the appeal concerns nonpartisan staff, the administrator shall appoint an appeals panel consisting of at least three agency heads or parliamentarians, including the administrator who shall serve as the appeals panel chair. An agency head or parliamentarian who is the appellant may not serve on the appeals panel.

(ii) If the appeal concerns partisan staff, the administrator shall forward the appeal to the Senate or House majority and minority leaders. Each leader shall appoint one member of their caucus to serve on the appeals panel. If a leader is the appellant, the deputy leader of that caucus shall make the appointment and the appellant may not serve on the appeals panel. The member of the appeals panel who is in the same caucus as the appellant shall serve as the appeals panel chair.

(B) Within 30 calendar days of receipt of the formal appeal, the panel shall schedule a time to review the appeal and supporting documentation and issue a decision.

(C) The panel shall provide a written response to the appellant no more than 90 calendar days from receipt of the formal appeal.

(D) The parties may agree to extensions of time from the process outlined in this section upon written mutual agreement.

(g) All documentation pertaining to an appeal made under this subsection shall be retained with the employee's personnel record or, if no employee is involved in the appeal, must be maintained by Employee Services so that, except for confidential information, the documentation is accessible by branch personnel.

Approved: DRAFT