

House Bill 3227

Sponsored by Representative NOSSE

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**.

Makes changes to Custodians' Civil Service Law to remove barriers to filling employment vacancies and remove certain qualifications for members of civil service board.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Custodians' Civil Service Law; amending ORS 242.340, 242.360, 242.370, 242.390,
3 242.410, 242.420, 242.520, 242.530, 242.540, 242.550, 242.560, 242.570, 242.590, 242.635 and 242.640;
4 and declaring an emergency.

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

6 **SECTION 1.** ORS 242.340 is amended to read:

7 242.340. To be eligible for appointment to the board, a commissioner shall:

8 [(1) *Be an elector of the school district.*]

9 [(2)] (1) Be a resident of [*the school district for at least five years immediately preceding appoint-*
10 *ment*] **Oregon.**

11 [(3)] (2) Be known to be devoted to the principles of civil service.

12 [(4)] (3) Not be a member or employee of the school board.

13 **SECTION 2.** ORS 242.360 is amended to read:

14 242.360. (1) The school board may remove any commissioner for just cause at any time.

15 (2) In the event of removal or of a vacancy caused by death or resignation, the vacancy shall
16 be filled by the school board [*within 10 days from the time of the vacancy*]. Such appointment shall
17 be for the unexpired term of the commissioner whose place is vacated.

18 **SECTION 3.** ORS 242.370 is amended to read:

19 242.370. The civil service board shall appoint a secretary, who shall keep a record of its pro-
20 ceedings, preserve all reports made to it, superintend and keep a record of all [*examinations*] **as-**
21 **essments** held under its direction and perform such other duties as it may prescribe. The secretary
22 shall hold office during the pleasure of the board, and shall receive a salary of not less than \$50 per
23 month, to be paid by the school district.

24 **SECTION 4.** ORS 242.390 is amended to read:

25 242.390. The civil service board may make appropriate rules and regulations to carry out the
26 provisions of the Custodians' Civil Service Law. The rules shall provide in detail the manner in
27 which [*examinations*] **assessments** are to be held and appointments and removals made. The board
28 may, from time to time, change its rules. Any rules or regulations shall be printed for distribution
29 by the board, and 10 days' notice of same must be given by publication in a daily newspaper printed
30 in the district not less than 10 days before the rules or regulations go into effect.

31 **SECTION 5.** ORS 242.410 is amended to read:

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.

1 242.410. The board shall keep on file all [*examination papers and markings thereof*] **documents**
2 **related to an assessment held by the board** for a period of at least five years and all other papers
3 and documents and communications received by it. All records shall be public and, as such, acces-
4 sible at convenient times.

5 **SECTION 6.** ORS 242.420 is amended to read:

6 242.420. The board may make any appropriate investigation to carry out the purposes of the
7 Custodians' Civil Service Law. In connection therewith, any member of the board may administer
8 oaths, issue subpoenas to witnesses and compel their attendance at [*examinations*] **assessments**, and
9 examine books, papers and records and compel their production by witnesses in the same manner
10 as if the subpoenas had been issued from a court of record in this state.

11 **SECTION 7.** ORS 242.520 is amended to read:

12 242.520. (1) No appointment or promotion to any position shall be made except as provided in
13 the Custodians' Civil Service Law. All appointments to beginning employment positions in the clas-
14 sified civil service shall be made according to fitness, to be ascertained by open competitive [*exam-*
15 *inations*] **assessments**. All promotions in the classified civil service shall be made according to
16 merit in service, fidelity in service and seniority in service.

17 (2) No person shall be appointed or employed by a school board under any title not appropriate
18 to the duties to be performed.

19 (3) The appointing authority shall immediately notify the board of any appointment or discharge.

20 **SECTION 8.** ORS 242.530 is amended to read:

21 242.530. The board shall, from time to time, hold public competitive [*examinations*] **assessments**
22 to ascertain the fitness of applicants for beginning employment positions of the classified civil ser-
23 vice. The board shall control those [*examinations*] **assessments** and may designate any person to
24 act as [*examiner*] **assessor** without compensation.

25 **SECTION 9.** ORS 242.540 is amended to read:

26 242.540. [*Examinations*] **Assessments** shall be practical in character and relate only to those
27 matters [*which test*] **that consider** the relative fitness of the persons [*examined*] **assessed** to dis-
28 charge the duties for the respective positions for which they are applicants. The [*examinations shall*
29 *include a test for physical qualifications, health and manual or*] **assessments must consider** profes-
30 sional skill, **prior experience and bona fide factors that are related to the position**. Nothing
31 relating to an applicant's political or religious opinion or affiliation shall be asked or given.

32 **SECTION 10.** ORS 242.550 is amended to read:

33 242.550. Subject to rules adopted by the Oregon Department of Administrative Services under
34 ORS 181A.215, the civil service board may require an applicant for a custodial position to furnish
35 evidence satisfactory to the board of good character[, *mental and physical health,*] and such other
36 evidence as the civil service board deems necessary to establish the applicant's fitness.

37 **SECTION 11.** ORS 242.560 is amended to read:

38 242.560. (1) The board shall prepare and keep a register for each grade or class of positions of
39 the persons whose average standing, upon [*examination*] **assessment** for such grade or class, is not
40 less than the minimum fixed by the rules of the board, and who otherwise are eligible. Such persons
41 shall take rank upon the register as candidates for beginning employment positions in order of their
42 relative excellence, as determined by the [*examination*] **assessment**. Candidates of equal standing
43 shall take rank upon the register according to the order in which their applications are filed. The
44 board may, by rule, provide for striking candidates from the register, after they have remained
45 thereon for a specified time.

1 (2) The board shall prepare and keep a register for each grade or class of positions of the per-
 2 sons eligible for promotion. Such register shall contain information concerning merit in service, fi-
 3 delity in service and seniority in service. Such persons shall take rank upon the register as
 4 candidates for promotion in order of their relative excellence, as determined by merit in service,
 5 fidelity in service and seniority in service. Candidates of equal standing shall take rank upon the
 6 register according to the order in which their applications are filed.

7 **SECTION 12.** ORS 242.570 is amended to read:

8 242.570. (1) Whenever there is a vacancy in any position in the classified civil service, the school
 9 board, or its designated representative, immediately shall notify the civil service board thereof.

10 (2) The civil service board thereupon shall certify to the appointing authority the names and
 11 addresses of the three eligible candidates standing highest upon the register for the class or grade
 12 to which such position belongs. If there are fewer than three, the board shall certify all remaining
 13 candidates upon the register. When vacancies exist in two or more positions of the same class in
 14 the same department at the same time, the board may certify a smaller number than three candi-
 15 dates for each position, but those certified must be eligible candidates standing highest upon the
 16 register.

17 (3) The board may, by rule, limit the number of times the same candidate is certified to the ap-
 18 pointing authorities.

19 (4) The appointing authority may require the candidates certified to come before the appointing
 20 authority for interview. When the candidates are applicants for beginning employment, the ap-
 21 pointing authority shall be entitled to inspect [*their examination papers*] **the candidates'**
 22 **assessment-related documents.**

23 **SECTION 13.** ORS 242.590 is amended to read:

24 242.590. (1) The appointing authority must make a permanent appointment from the list of can-
 25 didates certified by the board, unless, upon reasons signed in writing by the appointing authority,
 26 the board consents to and certifies a new list of candidates. If a person on probation is not dismissed
 27 during the probationary period the appointment is deemed permanent.

28 (2) All persons employed as custodians and assistant custodians in a school district on the date
 29 the Custodians' Civil Service Law becomes effective as to such school district shall be permanent
 30 employees without [*examination*] **assessment** and shall be so appointed by the board.

31 **SECTION 14.** ORS 242.635 is amended to read:

32 242.635. An employee in the classified civil service who has been duly dismissed for cause shall
 33 not be eligible for [*examination*] **an assessment** for appointment without the approval of the civil
 34 service board. Approval shall not be granted unless the board on evidence presented by applicant
 35 finds that the condition resulting in dismissal has been corrected and is unlikely to recur.

36 **SECTION 15.** ORS 242.640 is amended to read:

37 242.640. No person shall:

38 (1) Willfully or corruptly or in cooperation with one or more persons, defeat, deceive or obstruct
 39 any person with respect to the right of the individual to [*examination*] **assessment** or registration
 40 according to the regulations prescribed by the civil service board pursuant to the Custodians' Civil
 41 Service Law.

42 (2) Willfully or corruptly [*falsely mark, grade, estimate or report on an examination*] **make any**
 43 **false representations with respect to** the proper standing of any person [*examined*] **assessed,**
 44 registered or certified according to any regulation prescribed pursuant to the Custodians' Civil
 45 Service Law, or aid in so doing.

1 (3) Willfully or corruptly make any false representations concerning the [examination] **assess-**
2 **ment**, certification and registration or concerning the persons [examined] **assessed**, registered or
3 certified.

4 (4) Willfully or corruptly furnish to any person any special or secret information for the purpose
5 of either improving or injuring the prospects or chances of any person so [examined] **assessed**,
6 registered or certified, or to be [examined] **assessed**, registered or certified.

7 (5) Permit any other person or permit or aid in any other manner, any other person to
8 impersonate the individual in connection with any [examination] **assessment**, registration or appli-
9 cation, or request to be [examined] **assessed** or registered.

10 (6) Make an appointment to any position contrary to the Custodians' Civil Service Law, or re-
11 fuse or neglect to comply therewith.

12 **SECTION 16. This 2023 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
14 **on its passage.**

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