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## State of Oregon LEGISLATIVE BRANCH PERSONNEL RULES

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### Legislative Branch Personnel Rule 9: Corrective Action and Discharge

**APPLICABILITY:** This rule applies to all Legislative Branch employees, interns, externs and volunteers, where not in conflict with an applicable collective bargaining agreement or law. This rule does not apply to members of the Legislative Assembly.

~~(1)~~

#### (1) At-will employment status.

~~(a) Each Legislative Branch employee is an at-will employee throughout the employee's service, including the introductory period, regardless of the position's duration or funding.~~

(a) ~~(b)~~ At-will employment means each employee serves at the pleasure of the employee's position's appointing authority and may be discharged without cause at any time.

~~(b) (c) Each Legislative Branch employee, intern, extern, and volunteer serves in an at-will position regardless of the position's duration or funding.~~

~~(b)~~(c) Nothing in the ~~personnel rules~~ Legislative Branch Personnel Rules or related policies is intended to:

- A. ~~(A)~~ Create any type of employment contract, whether express or implied;
- B. ~~(B)~~ Provide any type of cause standard for evaluation of continued employment; or
- C. ~~(C)~~ Give an employee, intern, extern or volunteer the right to be employed for any specific period of time.

~~(c)~~(d) ~~(d)~~ No agreement between an appointing authority and an employee, intern, extern or volunteer may be construed as guaranteeing the employee's employment or continued employment.

~~(2)~~

#### (2) Corrective action.

(a) ~~(a)~~ While employment with the Legislative Branch ~~employment~~ is at-will, each appointing authority may take corrective action to notify an employee of performance deficiencies and provide an employee the opportunity to mitigate or correct improper conduct or unsatisfactory performance. If corrective action other than discharge is

taken, the employee may be provided either verbal or written notice regarding the concerning conduct or performance—.

- (b) ~~(b)~~ All corrective actions must be documented and shall be discussed with the Director of Human Resources or their designee prior to discussion with the employee or implementation of sanctions or work plans. Corrective action steps may include:
- ~~(A)~~ (A) Coaching consisting of constructive feedback and reiterating expectations with the necessary information for the employee to improve their performance.
- ~~(A)(B)~~ Written sanctions, which may be monetary or non-monetary and may include but not limited to a salary reduction, a suspension with or without pay, or a demotion.
- ~~(B)(C)~~ (B) Warnings or reprimands, either verbal or written.
- ~~(C)(D)~~ (C) A written work plan, which may be initiated to address performance, workplace behavior, or conduct expectations and. The work plan should identify criteria to measure successful accomplishment. A work plan may be developed at any time and may be institutedimplemented in conjunction with warnings or sanctions. The work plan must contain:

- (i) An itemization of performance, workplace behavior, or conduct deficiencies requiring
  - i. improvement-;
  - ii. (ii) Criteria that will demonstrate the necessary successful performance, workplace behavior, or conduct improvement-(s);
  - (iii) Dates for periodic meetings to discuss progress or need for additional
  - iii. improvement-; and,
  - iv. (iv) An end date for the work plan, at which time sustained improvement is expected.

~~(D)~~ While on a work plan, the employee's performance will be appraised periodically by the appointing authority or designee to monitor whether the required performance standards are being met and sustained. The employee will be made aware of their progress or lack thereof during the work plan periodic meeting dates. At any time during the work plan, the appointing authority may:

- (1) Terminate employment if noticeable and sustained improvement is insufficient or not attained; or
- (2) Extend the length of the work plan; or
- (3) Terminate the work plan after performance standards are met and sustained improvement is achieved.

~~(D)~~(E) An employee who receives a corrective action may submit a written response, to be included in the employee's personnel record, no later than 15 days after the corrective action is reffectived. The employee's written response may be given to the employee's supervisor, the employee's appointing authority or Employee Services. The supervisor or appointing authority shall provide a copy of the written response to Employee Services for placement in the employee's personnel record.

### (3) Introductory period.

- a) The Legislative Branch places critical importance on the introductory period, which are the first six (6) months in a position, as it forms the basis from which new employees can learn their roles, perform their duties effectively and begin to make contributions to their teams, department, agency and the Branch.
- b) All new employees are expected to be proactive and take ownership of their own job responsibilities, meet set expectations and growth throughout the introductory period. Failure to meet set expectations during the introductory period may subject the employee to sections (1)(a) and (b) in this rule.
- c) **Decision on the outcome of the introductory period.** Near the end of the introductory period, or before, the appointing authority shall decide whether to continue the employee's appointment beyond the introductory period. The appointing authority must consult the Director of Human Resources if the employee is not meeting expectations during the introductory period or if the appointing authority wishes to terminate employment.

Approved: ~~8-06-2020~~