
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 or steps 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 (30) 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 new hire is a new employee who has not previously worked for the Legislative Branch or the State or, is a former employee who has not worked for the Legislative Branch for the past 24 months.
 - (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.

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. All equal pay analysis documentation shall be retained in the employee's personnel record.

- (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 a prospective employee a lump sum payment when, at the time of hiring, promotion or lateral transfer, there is a difficult recruitment situation, and the payment is needed to fill the position. Requests to provide a hiring bonus must be submitted to Employee Services for review and approval and may not be offered to the prospective employee until and unless it is approved. 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.

- (b) All moving expense payments or reimbursements are taxable to the employee and are processed through Payroll. Reimbursements will be treated as taxable per IRS regulations whether they are reimbursed to an employee or paid directly to a vendor. Although all moving expenses are taxable, reimbursements or payments are still limited to those expenses which are allowed.

- (c) 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. Typically, an employee is not eligible for a raise or promotion during an introductory period. An introductory period lasts for 6 full months from the employee's start date and, barring unforeseen or extenuating circumstances, could take an employee more than 6 consecutive months to complete; further, the introductory period may be extended by the appointing authority.

- (b) After completion of an introductory period, an employee, including a limited duration employee, typically 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.
- (c) An appointing authority can extend an introductory period due to unsatisfactory performance or behavioral issues; the employee may not receive a step increase unless and until the employee's performance or behavior is satisfactory. An appointing authority shall provide the employee with feedback prior to denying any step increase and document the feedback by sending it to Employee Services for inclusion in the employee's personnel record.
- (d) 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) An employee in a limited duration or continuing status position typically 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.
- (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 by sending it to Employee Services for inclusion 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.

- (a) The salary eligibility date is set one year after the employee receives an increase following completion of the full 6-months introductory period and will thereafter be the employee's salary eligibility date unless the introductory period is extended as indicated in section (7)(c).
- (b) For each period of leave without pay that is more than 15 consecutive calendar days, the employee's salary eligibility 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) Promotion is the appointment of an employee to a position in a higher salary range which results in the creation of a vacancy. A promotion occurs when, an existing employee applies for, or is directly appointed to, a position in a higher salary range through the recruitment and selection process.
- (b) Upon promotion, an employee typically receives an increase in pay if the increase does not exceed the maximum rate in the range. The new rate of pay will be determined by an equal pay analysis, or the employee will be placed on step-one in the pay range of the new position whichever is higher. All equal pay analysis documentation shall be retained in the employee's personnel record for the established rate of pay.
- (c) Employees who have been promoted will serve a full 6-months promotional introductory period. After completion of a promotional introductory period, an employee typically receives a one-step salary increase if the increase does not exceed the maximum rate in the range. The step increase becomes effective on the first day of the month following successful completion of the full 6-months promotional introductory period and will thereafter be the employee's salary eligibility date.
- (d) An employee who is promoted and not paid the top step shall receive a step 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 full 6-months introductory period, unless the employee's supervisor or appointing authority determines that a step increase is not warranted due to unsatisfactory performance or behavioral issues. If an appointing authority postpones or denies a step increase 6-full months following a promotion, the appointing authority shall provide the employee with feedback and notify Employee Services.

~~(4)~~ **Transfer.** An employee who is hired from another position in the Legislative, Judicial, or Executive Branch.

- (11) A transferred employee's rate of pay shall be determined by a pay equity analysis conducted by Employee Services. The employee must serve a full 6-months introductory period and at the conclusion of the full introductory period, the employee is eligible for a step increase. The employee's salary eligibility date is set one year thereafter.

(12) Reclassification.

- (a) **Upward.** An upward reclassification is a change in the essential functions of an existing position resulting in the assignment of higher-level duties, and placement in a higher pay range and classification. An upward reclassification does not result in nor creates a vacancy.

- (A) Except as described below, when an employee's position is reclassified to a higher classification, the employee is placed on the step in the new salary range as determined by a pay equity analysis. 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. 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.** A downward reclassification is a change in the essential functions of an existing position resulting in the assignment of lower-level duties, and placement in a lower pay range and classification. Higher-level duties previously assigned are removed or reassigned. A downward reclassification does not result in nor creates a vacancy.
- (c) When an employee's position is reclassified to a position in a lower salary range, the employee's status is 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 the class to which the employee is downwardly reclassified, the employee's base rate and salary eligibility date is not affected. On the employee's next salary eligibility date if the employee's rate is not above the maximum rate, the employee will receive a merit step increase to the next higher full step within the new range.

(13) Demotion.

(a) Voluntary demotion.

- (A) A voluntary demotion is an employee-initiated request to move to a position classification with a lower salary range, either when an employee voluntarily applies to an open recruitment or is voluntarily directly appointed to a position in a lower salary range. When a regular or a limited duration status employee requests and is appointed competitively or non-competitively to a position in a lower salary range, the employee's new base rate of pay shall be determined by a Pay Equity analysis performed by Employee Services. The employee's salary eligibility date shall not be affected.

(B) When an employee in an initial introductory period, requests demotion to classification having a lower salary range, the employee's rate of pay in the lower range shall be determined by a pay equity analysis conducted by Employee Services. The employee will complete the remainder of the introductory period and the salary eligibility date will be the date of the successful completion of the full introductory period. The employee's status is not affected.

(b) Involuntary demotion.

An involuntary demotion is an action initiated by the supervisor or appointing authority without concurrence from the employee and can be due to disciplinary action or poor performance, lack of success after a promotional introductory period, organizational restructuring, or budgetary constraints. When an employee is involuntarily demoted, the employee's rate of pay shall be determined by a Pay Equity review performed by Employee Services. The employee's salary eligibility date and status are not affected.

(A) When an employee who has been promoted and is on a promotional introductory period requests and is granted a 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 on 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 receive, if any, but for the promotion. The employee's status returns to what it was prior to promotion.

(c) 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 (1) (d).

(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 24 months, the employee returns to the same pay range and step they were at when they left or as determined by the pay equity analysis, whichever is greater. Equal pay analysis documentation shall be retained in the employee's personnel record.

~~(12)~~ **Reinstated.**

(16) A Legislative Branch employee who returns to the same position, classification, pay range and step, and appointing authority within 30 days from the date of separation returns to the same salary range and step they were in before they left. The FTE of a reinstated employee may be the same or different.

(17) **Merit bonus.**

(a) An appointing authority 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 some or all of the following criteria:

- (A) The exceptional performance is documented by objective criteria;
- (B) Longevity;
- (C) Special assignment;
- ~~(D)~~ Achieved special job-related skills; ~~(E)~~
- ~~(E)~~ Training or education; ~~(F)~~
- ~~(F)~~ Extensive hours; ~~(G)~~
- ~~(D)~~~~(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. The appointing authority must submit a justification to the Human Resources Director, all documentation is maintained in the employee's personnel record.

(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, separation 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) **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 over 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 more than 12 hours in any one workday or more than 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 more than 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.
- (21) **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. To 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.
- (22) **Use of compensatory time.**
- (a) 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 from the date it was granted. After 18 months, unused compensatory time will be paid to the employee at the employee's current rate of pay.
- (23) **Compensation and compensatory time at separation.** In the case of overtime-eligible employees, an employee who separates from employment shall be paid for accrued compensatory time at the employee's regular hourly rate at separation.

(24) **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.

(25) **Compensation and compensatory time before separation.** 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 separation, payment shall be made at the employee's regular hourly pay rate at the time of payment.

(26) **Second legislative job.**

- (a) Employees in the Legislative Branch may apply for and be hired into a second job within the Legislative Branch in a different or second legislative agency, member, leadership, caucus, or parliamentary office from the employee's primary or first job. The second job may be in the same or different classification, position, FLSA status or salary range as the employee's primary or first legislative job. The combined jobs cannot exceed 100% FTE (full-time equivalent). Employees in overtime eligible positions earn overtime pay at the rate of time and one-half for all hours worked over 40 hours in a week or more than 12 hours in a day.
- (b) When an overtime-eligible employee works in a part-time primary position within the Legislative Branch for the first legislative agency, member, leadership, caucus, or parliamentary office and is hired into a second overtime-eligible part-time position in the second legislative agency, member, leadership, caucus, or parliamentary office with the same or similar duties as the primary position, the two entities shall mutually agree on the employee's overtime eligibility status and any overtime pay obligation for the first and second job. Unless both entities agree, the legislative agency, member, leadership, caucus, or parliamentary office employing the employee at the time the employee exceeds 40 hours in a week or 12 hours in a day shall pay all overtime hours for which the employee is eligible.
- (c)) When an employee works in a part-time exempt position in the Legislative Branch for the first legislative agency or office and is hired into a second legislative agency or office into an overtime-eligible part-time position and the job is in a different capacity with different job duties, or is in a different salary range from the employee's primary or first

job, the second legislative agency or office employing the employee in the ~~overtimeeligible~~overtime eligible position shall be responsible for all overtime hours incurred.

(d) When an employee in a primary or first overtime-eligible job in the Legislative Branch is hired into a second legislative exempt job which is substantially different or in a different capacity or in a different salary range from the employee's primary or first job; and the job 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 a position with job duties and responsibilities 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.

(27) 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.

(28) **Differentials.**

(a) **Shift differential.**

- (A) Shift differential applies to any employee who is in an overtime-eligible position and who is 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 part of the base rate of pay 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 applied to base pay rates for computation of pay during leave without pay.

(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 workdays 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 request to extend a work out of class assignment beyond one year under unusual circumstances by submitting a justification in writing to the Human Resources Director for review and approval.
- (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 5% lead differential when an appointing authority assigns lead work or team leader duties to that employee for a period of 10 or more consecutive workdays. 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 typically 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) The appointing authority shall document and retain the reasons for granting a two-step lead differential.
- (F) 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 orientating new employees.
 - (ii) Assigning and reassigning task 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) The type of work assignments and work shifts eligible for on-call differential must be clearly communicated to employees in advance of scheduling.
- (B) 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 workday, the employee must be compensated with an on-call duty differential.

- (C) 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. An employee receives on-call duty differential pay even if the employee has not worked 40 hours in a week or if the employee has used accrued leave in a week. On-call duty differential pay may not be applied to base pay rates for computation of pay during leave without pay.
- (D) 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. Work performed outside of the supervisor's assigned on-call work assignment and schedule is regular work and not considered on-call work.
- (E) 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) 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.

(f) 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~~ ~~or~~
- ~~(A)~~ ~~(B)~~ The employee is proficient in the use of American Sign Language,
- AND
- ~~(B)~~ ~~(C)~~ 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.

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

(29) 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 workday shall be compensated for a minimum of two hours of work. The employee must enter hours worked in the employee's timesheet as directed by Employee Services. If the employee works less than 40-hours in the week or fewer than 12-hours in a day, time is recorded as regular time. All hours worked over 40-hours in a week or more than 12-hours in a day shall be paid at the overtime rate and must be recorded as such in the employee's timesheet. 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 can only be called back 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 more than 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 more than 40 hours shall be compensated in accordance with subsection (21) of this rule.

(30) 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, 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.

(31) 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 include all necessary information and documentation. The parties may agree to extensions of time from the process outlined in this section upon written mutual agreement.
 - (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 retroactively to the first day the position is appealed.
- (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 ~~e(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. 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 include 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.

(32) Deductions from employees' wages Employee Services will notify employees of overpayment of wages when they occur and will deduct the amounts of the erroneous overpayment which are greater than an employee's earned wages, provided that,

(a) The deduction is for an overpayment that occurred in the 364 days immediately before Employee Services notifies the employee in writing of the overpayment; AND

(b) The employee receives notice of the overpayment and deduction from Employee Services at least 10 calendar days before making the deduction. The written notice shall include the following information:

1. Amount of the overpayment;
2. Purpose of each deduction;
3. Notice that amount of the deductions will not exceed five percent of the employee's earned gross pay each pay period;
4. Notice that the employee may request and specify in writing that a greater percentage or amount may be deducted; AND
5. A statement informing the employee that in the event the employee is terminated or employment with the Legislative Branch ends for any reason, the remaining balance amount of the overpayment owed will be deducted from the employee's final paycheck.

Adopted: ~~September 25, 2024~~