

CHAPTER 22

AN ACT

SB 1567

Relating to management service employees; amending ORS 240.570 and 756.032.

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

SECTION 1. ORS 240.570 is amended to read:

240.570. (1) Positions in the unclassified, management and exempt services may be filled by classified employees. After an employee is terminated from the unclassified or exempt service or removed from the management service, for reasons other than those specified in ORS 240.555, the state agency that employed the employee before the appointment to the unclassified, exempt or management service may, at the agency's sole discretion, restore the employee to a position held in the agency before the appointment if the employee meets the position requirements. If an employee is restored to a former position, the employee is subject to any applicable agency collective bargaining agreement.

(2) An appointing authority may assign, reassign and transfer management service employees for the good of the service and may remove employees from the management service due to reorganization or lack of work.

(3) A management service employee is subject to a trial service period established pursuant to rules of the Personnel Division under ORS 240.250. Thereafter, the management service employee may be disciplined by reprimand, salary reduction, suspension or demotion or **may be removed or dismissed** from the management service if the employee is unable or unwilling to fully and faithfully perform the duties of the position satisfactorily.

(4) *[Employees]* **Management service employees** who are assigned, reassigned, transferred or removed, as provided in subsection (2) of this section, and employees who are disciplined, *[or]* removed **or dismissed** from the management service *[for the reasons specified]* **as authorized** in subsection (3) of

this section may appeal to the Employment Relations Board in the manner provided by ORS 240.560.

(5)(a) Management service employees with immediate prior former regular status in the classified service *[may be dismissed from state service only for reasons specified by ORS 240.555 and pursuant to the appeal procedures provided by ORS 240.560.]* **who are removed from trial service pursuant to ORS 240.410 have a right to be restored to their former positions.**

(b) Except as provided in paragraph (a) of this subsection, management service employees with immediate prior former regular status in the classified service who are appointed to the management service and who have not been dismissed from the management service for a reason specified in ORS 240.555:

(A) Prior to January 1, 2015, have the right to restoration to the classified service for three years from the date of appointment to the management service.

(B) After December 31, 2014, have no right to restoration to the classified service.

SECTION 2. ORS 756.032 is amended to read:

756.032. (1) The Public Utility Commission shall dismiss an employee:

(a) Who fails to file the statement required by ORS 756.028 before the 11th day after the date of employment.

(b) Who fails to file the supplementary statement required by ORS 756.028 before the 11th day after the acquisition of a pecuniary interest.

(c) Who fails to cause divestiture of a pecuniary interest within the time specified in an order issued pursuant to ORS 756.028.

(2) Dismissal of an employee under subsection (1) of this section is subject to the procedure and appeal provided in ORS 240.555, *[and]* 240.560 and 240.570. An employee so dismissed is eligible for reemployment.

Approved by the Governor March 3, 2014

Filed in the office of Secretary of State March 3, 2014

Effective date January 1, 2015