

House Bill 3074

Sponsored by COMMITTEE ON HEALTH AND HUMAN SERVICES

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**.

Permits certain disabled individuals to be employed as temporary state employees for periods exceeding equivalent of six calendar months in 12-month period.

A BILL FOR AN ACT

1
2 Relating to temporary state employees; amending ORS 240.309.

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

4 **SECTION 1.** ORS 240.309 is amended to read:

5 240.309. (1) Temporary employment shall be used for the purpose of meeting emergency, nonre-
6 curring or short-term workload needs of the state.

7 (2) A temporary employee may be given a nonstatus appointment without open competition and
8 consideration only for the purposes enumerated in this section. Temporary appointments [*shall*] **may**
9 not be used to defeat the open competition and consideration system.

10 (3) A temporary employee may not be employed in a permanent, seasonal, intermittent or limited
11 duration position except to replace an employee during an approved leave period.

12 (4) Employment of a temporary employee for the same workload need, other than for leave, may
13 not exceed six calendar months. The decision to extend the period of employment may be delegated
14 by the Personnel Division of the Oregon Department of Administrative Services to other state
15 agencies. Approval to extend shall be allowed only upon an appointing authority's finding that the
16 original emergency continues to exist and that there is no other reasonable means to meet the
17 emergency. Agency actions under this subsection are subject to post-audit review by the Oregon
18 Department of Administrative Services as provided in ORS 240.311.

19 (5) Employment of a temporary employee for different workload needs [*shall*] **may** not exceed
20 the equivalent of six calendar months in a 12-month period **unless the temporary employee is a**
21 **disabled individual, as defined in ORS 279.835, employed by a qualified nonprofit agency for**
22 **disabled individuals, as defined in ORS 279.835, under a temporary services contract negoti-**
23 **ated under ORS 279.835 to 279.855.**

24 (6) A temporary employee [*shall*] **may** not be denied permanent work because of the temporary
25 status. Temporary service [*shall*] **may** not be used as any portion of a required trial service period.

26 (7) The Personnel Division of the Oregon Department of Administrative Services shall report the
27 use of temporary employees, by agency, once every six months, including the duration and reason
28 for use or extensions, if any, of temporary appointments. The reports shall be made available upon
29 request to interested parties, including employee organizations. If any interested party alleges mis-
30 use of temporary employees, the division shall investigate, report its findings and take appropriate
31 action.

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 (8) The Department of Justice may use temporary status appointments for student law clerks for
2 a period not to exceed 24 months.

3 (9) The chief administrative law judge of the Office of Administrative Hearings may use tempo-
4 rary status appointments for student law clerks for a period not to exceed 24 months. Student law
5 clerks appointed under this subsection may not act as administrative law judges or conduct hearings
6 for the Office of Administrative Hearings.

7 (10) A state agency may use temporary status appointments for a period not to exceed 48 months
8 for student interns who are enrolled in high school or who are under 19 years of age and are
9 training to receive a General Educational Development (GED) certificate. Student interns are not
10 eligible for benefits under ORS 243.105 to 243.285.

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