

**A-Engrossed**  
**Senate Bill 638**

Ordered by the House June 9  
Including House Amendments dated June 9

Sponsored by Senator DECKERT

**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.

[*Removes*] **Modifies provision relating to** authority to restore state employee terminated or removed from exempt, unclassified or management service to position held before appointment to exempt, unclassified or management service.

**A BILL FOR AN ACT**

1  
2 Relating to state personnel relations; amending ORS 240.570.

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

4 **SECTION 1.** ORS 240.570 is amended to read:

5 240.570. (1) Positions in the unclassified, management and exempt services may be filled by  
6 classified employees. [*After termination of unclassified or exempt service or removal from the man-*  
7 *agement service, for reasons other than specified by ORS 240.555, an employee may be restored to a*  
8 *position held in the same agency and service prior to appointment to the unclassified, management or*  
9 *exempt services. To be restored, the employee must meet position qualifications and shall be subject to*  
10 *agency collective bargaining contracts when applicable.*] **After an employee is terminated from the**  
11 **unclassified or exempt service or removed from the management service, for reasons other**  
12 **than those specified in ORS 240.555, the state agency that employed the employee before the**  
13 **appointment to the unclassified, exempt or management service may, at the agency's sole**  
14 **discretion, restore the employee to a position held in the agency before the appointment if**  
15 **the employee meets the position requirements. If an employee is restored to a former posi-**  
16 **tion, the employee is subject to any applicable agency collective bargaining agreement.**

17 (2) An appointing authority may assign, reassign and transfer management service employees for  
18 the good of the service and may remove [*such*] employees from the management service due to re-  
19 organization or lack of work.

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

25 (4) Employees who are assigned, reassigned, transferred or removed, as provided in subsection  
26 (2) of this section, and employees who are disciplined or removed from the management service for  
27 the reasons specified in subsection (3) of this section may appeal to the Employment Relations Board  
28 in the manner provided by ORS 240.560.

**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           (5) Management service employees with immediate prior former regular status in the classified  
2 service may be dismissed from state service only for reasons specified by ORS 240.555 and pursuant  
3 to the appeal procedures provided by ORS 240.560.

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