

**Enrolled**  
**Senate Bill 638**

Sponsored by Senator DECKERT

CHAPTER .....

AN ACT

Relating to state personnel relations; amending ORS 240.570.

**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 termination of unclassified or exempt service or removal from the management service, for reasons other than specified by ORS 240.555, an employee may be restored to a position held in the same agency and service prior to appointment to the unclassified, management or exempt services. To be restored, the employee must meet position qualifications and shall be subject to agency collective bargaining contracts when applicable.]* **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 *[such]* 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 removed from the management service if the employee is unable or unwilling to fully and faithfully perform the duties of the position satisfactorily.

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

(5) 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.

**Passed by Senate April 18, 2005**

**Repassed by Senate August 1, 2005**

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Secretary of Senate

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President of Senate

**Passed by House June 15, 2005**

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Speaker of House

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State