

- (F) A new trial service period may be established for an employee who is currently serving a trial service period upon lateral transfer to another position having a different supervisor or upon demotion, unless demoted as a result of restoration.
 - (G) A trial service period may be established when a regular status employee:
 - (i) transfers to a different agency;
 - (ii) transfers back to the same agency after an absence of more than one year;
 - (iii) reemploys with a different agency;
 - (iv) reemploys with the same agency after an absence of more than one year;
 - (v) voluntarily demotes to a different classification series.
 - (H) An agency appointing authority may extend the trial service period by the corresponding total number of days of a period of leave with or without pay exceeding 15 consecutive calendar days.
- (2) A trial service employee may be removed during a trial service period if, in the opinion of the appointing authority: the employee is unable or unwilling to perform duties of the position satisfactorily, or the habits and dependability of the employee do not merit continuance in state service.
- (a) The employee shall be provided written notice of trial service removal. The notice shall state the action of removal is being taken, indicate the effective date of the action, identify the grounds as listed above, and include the statutory citation "ORS 240.570(3)" for a management service employee and the citation "ORS 240.410" for a classified unrepresented employee.
 - (A) An employee who has gained regular status in any previously held position in the classified unrepresented or management service immediately prior to transferring, promoting, or voluntarily demoting and is removed from trial service shall have return rights to a position in the same classification and agency as the previously held position. In order to have return rights, the removal from trial service shall be involuntary and for reasons other than specified in ORS 240.555. Eligible employees shall be returned as follows:
 - (i) Classification Determination
 - (I) The employee shall be placed in a position which is in the same classification and service type within the same agency or successor agency as the previously held position in which the employee gained regular status.
 - (II) If no such classification exists, the employee shall be placed in that agency in the same service type, in a successor classification with duties comparable to the previously held position in which the employee gained regular status.
 - (III) If no such classification exists, or the employee does not qualify, the agency shall consider other classifications in the same service type, beginning with the comparable level, in descending salary range order, to determine a classification for which the employee qualifies. The employee shall then be returned to that classification.

(ii) Return

(I) An employee shall be returned to the appropriate classification as determined in section (2)(a)(A)(i).

(II) If no vacant position exists in the classification determined in section (2)(a)(A)(i) the employee shall be returned to a filled position as provided for in OAR 105-040-0070, Alternate Methods of Filling a Position.

(III) The doublefill created by (2)(a)(A)(ii)(II) above shall be resolved by (a) or (b) below.

(a) The agency may conduct a layoff; or

(b) The agency shall develop a plan to resolve the doublefill. The plan shall be documented in writing and specify the timeframe for resolution.

(IV) The decision to resolve the doublefill created above shall be subject to applicable HRSD State rules and policies, and applicable collective bargaining agreements.

(b) A trial service employee who is removed and gained regular status in an agency where the employees of that agency are excluded from the provisions of ORS 240 shall be subject to the policies of the former agency.

(c) An employee who is removed during trial service may request to be returned to the open competitive list from which appointed if the list still exists.

(d) A classified unrepresented employee who is removed during trial service may request review of such removal in accordance with HRSD State Policy 70.005.05, Classified Unrepresented Grievance Review.

(1) **Performance Measure:** Percentage of doublefilled positions that the agency has written documentation outlining the agency's plan for resolution and timeframe.

Performance Standard: 100%