

DAS Statewide Policy

SUBJECT: Restoration of Removed Management Service Employees **NUMBER:** 50.030.01
DIVISION: Human Resource Services Division **EFFECTIVE DATE:** 2/8/06

APPROVED: Signature on file with Human Resource Services Division

POLICY STATEMENT: Restoration of eligible employees who are removed from management service **for reasons not listed in ORS 240.555 may be** provided to retain their skills and expertise in public service.

AUTHORITY: ORS 240.145(3); **240.212**; 240.250; 240.570(1)(**3**)(**5**); 243.650(6)(**16**)(**23**)

APPLICABILITY: Management service employees

ATTACHMENTS: None

DEFINITIONS: See HRSD State Policy 10.000.01, Definitions; and OAR 105-010-0000

POLICY:

(1) **Management Service Employees with Immediate Prior Classified Service**

(a) A management service employee with **immediate prior** classified service shall have restoration rights back to the **classified** service provided all the following conditions are met:

(A) The employee is being removed from management service, and

(B) The removal is:

(i) not voluntary, and

(ii) **removal is not for reasons listed in ORS 240.555**, and

(C) The employee previously held regular status in the classified service, and

(D) Service has been continuous from classified service forward.

(b) Eligible employees shall be restored as follows (**where not in conflict with collective bargaining agreement**):

(A) Classification Determination

(i) The employee shall be placed in a position which is in the same classification within the same agency or successor agency where the employee last held regular status in a position in the classified service.

(ii) If no such classification exists, the employee shall be placed in that agency in a successor classification with duties comparable to the position where the employee last held regular status in a position in the classified service.

- (iii) If no such classification exists, or the employee does not qualify, the agency shall consider other classifications in the classified service, beginning with the comparable level, in descending salary range order, to determine a classification for which the employee qualifies. The employee shall then be restored to that classification.

(B) Restoration

- (i) An employee shall be restored to the appropriate classification as determined in section (1)(b)(A).
- (ii) If no vacant position exists in the classification determined in section (1)(b)(A) the employee shall be restored to a filled position as provided for in OAR 105-040-0070, Alternate Methods of Filling a Position.
- (iii) The doublefill created by (1)(b)(B)(ii) above shall be resolved by (I) or (II) below.
 - (I) The agency may conduct a layoff; or
 - (II) The agency shall develop an alternate plan to resolve the doublefill. The plan shall be documented in writing and specify the timeframe for resolution.
 - (III) The decision to resolve the doublefill created above shall be subject to applicable HRSD State rules and policies, and applicable collective bargaining agreements.

- (c) An employee who is removed **whose immediate prior classified service was** regular status in an agency where the employees of that agency, **or the agency itself**, are excluded from the provisions of ORS 240, shall be subject to the policies of **that** former agency.
- (d) The appointing authority taking the removal action shall initiate the restoration process.

(2) Management Service Employees without Immediate Prior Classified Service

- (a) Management service employees without immediate prior classified service do not have restoration rights under this policy.**

-
- (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%