The Director of the Department of Administrative Services (DAS) may enter into an agreement with an outgoing agency head to continue some or all of his/her former duties for a period not to exceed 30 calendar days. The purpose of the agreement is to provide for a smooth, orderly transfer of duties from an outgoing agency head to an incoming agency head and the continuation of the agency accomplishing its mission, goals, and objectives.

**AUTHORITY:** ORS 240.145(3); 240.205(2); 294.100

**APPLICABILITY:** Outgoing agency head in executive service

**ATTACHMENTS:** None

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

**POLICY:**

1. When, in the judgment of the Director of DAS, circumstances justify temporarily retaining the outgoing agency head to facilitate the transition of the agency to the new agency head, the outgoing agency head may continue to perform some, but not all of the functions of the agency head’s position. The duties, responsibilities, and authority assigned to the outgoing agency head will be less than that of the incoming agency head during the transition period. The transition period shall not exceed 30 calendar days from the effective date of the resignation. During the 30-day transition period the outgoing agency head will be reassigned to another position within the agency.

   a. Due to the reassignment of duties, responsibilities, and authority, the outgoing agency head’s rate of pay shall be reduced to be commensurate with the reassignment.

   b. The outgoing agency head shall continue to be subject to all HRSD rules and policies applicable to executive service employees.

   c. The State of Oregon will not pay for outplacement services.

   d. It is incumbent upon the agency to monitor the passage of time to ensure that the overlap of employment between the departing agency head and the arriving agency head not exceed 30 calendar days.

2. When the outgoing agency head is assigned to perform work outside the normal workplace:

   a. there shall be specific reporting responsibilities;

   b. the work product produced must demonstrate, in the judgment of the Director of DAS, the value of the work performed; and

   c. the special workplace arrangement shall not exceed 30 calendar days.
(3) The agreement between the outgoing agency head and the Director of DAS, shall be formalized in writing prior to going into effect and be available for the Department of Justice's review. A copy of the agreement shall be maintained by the agency.

(4) When appropriate, the Director of DAS shall consult with applicable board or commissions.

(5) Nothing in the agreement between an outgoing agency head and the Director of DAS shall create a right of continuation of employment. The State reserves the right of immediate termination with or without cause as provided in HRSD State Policy 40.035.01, “Unclassified Service Employment and Termination.” The outgoing agency head reserves the right to discontinue employment at any time.