

HB PS JD

TA'd 04/23/2025 AAW

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ARTICLE 45--FILLING OF VACANCIES

Section 1. Vacancies will be filled based on merit principles with a commitment to upward mobility through the use of lists of eligible candidates, except for direct appointments, transfers, demotions, or reemployments. Lists shall be established through the use of tests which determine the qualifications, fitness, and ability of the person to perform the required duties. The Department and the Agency retain all rights, except as modified in Articles 45.1--45.5, to determine the method(s) of selection and to determine the individuals to fill vacancies.

Section 2. Except for the Injured Worker list, Agency layoff list, Articles 45.1-45.5, and Secondary Recall List ([Article 70, Section 11](#)), the Employer retains all rights to fill a vacancy using any of the following methods or lists as appropriate. The Injured Worker list shall take precedence over all other lists, reemployment, and direct appointment.

(a)

(1) **Injured Worker List.** This list shall be used as first priority and shall consist of employees with compensable work-related injuries or illnesses that occurred while employed.

(2) **Agency Layoff Lists.** Names of regular status employees of the Agency who have separated from the service of the State in good standing by layoff or who have demoted in lieu of layoff shall be placed on lists established by the classification from which the employee was laid off or demoted in lieu of layoff and by geographic area. The order of certification on this list shall be determined by seniority computation procedures as defined in [Article 70--Layoff](#).

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The term of eligibility of candidates placed on the lists shall be two (2) years from the date of placement on the lists.

(3) Secondary Recall Lists. See [Article 70, Section 11](#).

(b) Applicant Lists. Applicant lists shall consist of:

- a. state employees from within an agency,
- b. other state employees,
- c. external applicants, or
- d. a combination of the above applicant groups.

SEIU represented temporary employees who are currently employed with the state shall be treated as internal candidates for job postings they apply for within their Agency or other state agencies.

(c) Reemployment. An employee who separated from a position in good standing may be reemployed within two (2) years to a position in the same or lower classification upon approval of the Appointing Authority. The employee must meet the minimum and special qualifications of the position and must make written application for reemployment.

(d) Transfer. An employee may transfer or be transferred from one (1) position to another in the same classification or salary range. To voluntarily transfer the employee must make written application for transfer to the Appointing Authority or Employer as appropriate and must meet the minimum and special qualifications of the position.

(e) Demotion. An employee may demote or be demoted from a position in one (1) classification to a position in a lower classification or salary range. To voluntarily

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demote, the employee must make written application to the Appointing Authority or Employer as appropriate, and must meet the minimum and special qualifications of the position.

- (f) Direct Appointment. The Employer may use noncompetitive selection and appointment for unskilled or semi-skilled positions, or where job-related ranking measures are not practical or appropriate, or if there is no appropriate list available and establishing a list could cause an undue delay in filling the position, or affirmative action appointments.

Section 3. The Employer agrees to post internal/external recruitments for a minimum of seven (7) calendar days. The timeline shall begin the first calendar day following the posting. The notice shall include a summary of the job duties and pay of the position, the qualifications required, the application deadline of the recruitment (if applicable), and other pertinent information. The Employer further agrees to notify employees if their application has been accepted.

Section 4. Job Interview Leave.

- (a) Employees, subject to providing reasonable notice and receiving prior supervisory approval, shall be allowed Interview Leave time, including travel, to interview for positions within their Agency, when such interview(s) occurs during their work hours. Such leave requests shall not be arbitrarily denied or rescinded. If the leave is denied, the employee may request the Agency provide the reason for the denial in writing.
- (b) Employees, subject to providing reasonable notice and receiving prior management approval, shall be allowed up to four (4) hours of Agency paid time for Interview

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Leave time, including travel, for positions with another state Agency, when such interview(s) occurs during their work hours. Such leave requests shall not be arbitrarily denied or rescinded. If the leave is denied, the employee may request the Agency provide the reason for the denial in writing.

(c) Interview Leave time approved and taken to interview with another state Agency that exceeds the four (4) hours of Agency paid time must be recorded as accrued leave, leave without pay, or managed through approved flex time within the same workweek. Use of accrued leave for this purpose shall not result in overtime.

(d) Denial of Interview Leave time shall be subject to the grievance procedure up to Step 2.

(e) All Interview Leave time, including travel, approved under Subsection (a) and (b) must be recorded as IT on the employee's timesheet/time reporting record.

(f) Interview Leave used shall not count as time worked for purposes of overtime.

(g) An Agency shall not incur any employee reimbursement costs.

Section 5. Internal Candidate Interview Feedback. An employee who is interviewed and not selected for promotion or transfer may request and shall be given the opportunity to discuss their non-selection and opportunities for improvement with the hiring supervisor, and may request and shall receive, in writing, an explanation of the reason(s) they were not selected and opportunities for improvement within a reasonable period of time.

Section 6. See Articles 45.1-45.5.

(See Letters of Agreement [45.00-09-175](#) & [45.00-19-363](#) & [45.00-23-470](#) in Appendix A.)

REV: 2013, 2019, 2021,2023

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