

SUBJECT: Unclassified Service Employment, Investigation **NUMBER:** 40.035.01
and Termination

DIVISION: Chief Human Resources Office **EFFECTIVE DATE:** 02/13/2023

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: Unclassified employees under ORS 240.205 [excluding subsection (10)] who are unrepresented or excluded from collective bargaining shall serve at the pleasure of the Governor or the agency appointing authority. (This includes employees in positions designated as Unclassified Executive Service in State HR Policy 30.000.01, Position Management.)

AUTHORITY: ORS 240.145(3); 240.205; 240.240; 240.570

APPLICABILITY: Unclassified employees under ORS 240.205 [excluding subsection (10)] who are unrepresented or excluded from collective bargaining.

ATTACHMENTS: None

DEFINITIONS: Also refer to State HR Policy 10.000.01, Definitions

POLICY:

- (1) Unclassified employees under ORS 240.205 [excluding subsection (10)] who are unrepresented or excluded from collective bargaining shall serve at the pleasure of the Governor or the agency appointing authority. (This includes employees in positions designated as Unclassified Executive Service in State HR Policy 30.000.01, Position Management.)
 - (a) No rule or policy of the CHRO is applicable to these employees unless the rule or policy specifically so indicates.
 - (b) Although some personnel rules or policies indicate applicability to the unclassified service for purposes of establishing management directives and/or implementing statutory provisions pertaining to the unclassified service, nothing in those rules or policies creates any type of employment contract, express or implied, or gives these unclassified employees the right to be employed for any specific period of time.
- (2) When the unclassified employee is the subject of an investigation into alleged violation of state human resource policies, the investigation will be elevated to the Chief Human Resources Office.
- (3) Unclassified employees serve at the pleasure of the Governor or the agency appointing authority and may be terminated at any time.

- (4) Unclassified employees terminated due to a reduction in force or reorganization may request placement on the statewide reemployment layoff list for the same classification or same, equal, or lower salary range number. The employee shall submit an application identifying the classification(s) requested. The agency appointing authority shall provide the employee with the results of the minimum qualifications assessment and place the employee on the statewide reemployment layoff list for the qualifying classifications.