

DAS Statewide Policy

SUBJECT: Unclassified Service Employment & Termination **NUMBER:** 40.035.01
DIVISION: Human Resource Services Division **EFFECTIVE DATE:** 01/01/06

APPROVED: Signature on file with the Human Resource Services Division

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 HRSD State 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: See HRSD State Policy 10.000.01, Definitions; OAR 105-010-0000 and OAR 105-040-0020

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 HRSD State Policy 30.000.01, Position Management.)
 - a) No rule or policy of the Division 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) Unclassified employees serve at the pleasure of the Governor or the agency appointing authority and may be terminated at any time.
- (3) 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 (PD100) 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 as per OAR 105-040-0020(c).