

SUBJECT: Restoration of Management Service Employees	NUMBER: 50.030.01
DIVISION: Chief Human Resources Office	EFFECTIVE DATE: 1/1/2015
APPROVED: Signature on file with the Chief Human Resources Office	

POLICY STATEMENT: Restoration may be provided to eligible employees removed from management service for reasons not listed in ORS 240.555 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 State HR Policy 10.000.01, Definitions; and OAR 105-010-0000

POLICY:

(1) Management Service Employees with Immediate Prior Classified Service

- (a) An eligible management service employee with immediate prior former regular status in classified service shall have restoration rights back to classified service provided all the following conditions are met:
 - (A) The employee is being removed from management service, and
 - (B) The employee was appointed to management service prior to January 1, 2015, and the effective date of removal from management service is within three years after the date the employee was appointed to management service (employees appointed to management service on or after January 1, 2015 have no restoration rights to classified service); and
 - (C) The removal is not voluntary and is not for reasons listed in ORS 240.555; and
 - (D) The employee's service has been continuous and without a break from classified service to appointment into management service.
- (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 the same classification within the same agency or successor agency where the employee last held regular status in a position in 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 classified service position.
 - (iii) If no such classification exists, or the employee does not qualify, the agency shall consider other classifications in 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 Positions.
- (iii) The agency shall resolve the doublefill created by (1)(b)(B)(ii) above, 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, document the plan in writing and specify the timeframe for resolution.
- (iv) The decision to resolve the doublefill created above shall be subject to applicable State HR policies, rules and collective bargaining agreements.

(c) A removed employee whose immediate prior classified service was regular status in an agency 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 and coordinate with the receiving agency's Human Resources Office.

(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.

(3) Employees appointed to management service on or after January 1, 2015, do not have restoration rights under this policy. Employees appointed to management service prior to January 1, 2015 and whose removal from management service is three years after their date of appointment to management service, do not have restoration rights under this policy.