

SUBJECT: Restoration of Management Service Employees **NUMBER:** 50.030.01

DIVISION: Chief Human Resources Office **EFFECTIVE DATE:** 2/01/2019

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: At the agency's(ies') sole discretion, restoration may be provided to eligible employees removed from management service, unless removed for reasons listed in ORS 240.555, to retain their skills and expertise in public service.

AUTHORITY: ORS 240.145(3); 240.212; 240.250; 240.555; 240.570(1)(3)(5); 243.650(6)(16)(23)

APPLICABILITY: Management Service Employees

ATTACHMENTS: None

DEFINITIONS: "Reasons listed in ORS 240.555" include the following: misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance, or other unfitness to render effective service.

Misconduct: conduct an employee knows, or should know, is not proper behavior

Inefficiency: failure to produce required results even though the employee is competent to do so

Incompetence: absence of the ability or qualifications to perform required tasks

Insubordination: refusal to obey an order or directive

Indolence: behavior indicating an unwillingness to work

Malfeasance: conduct showing moral turpitude, such as committing an act which is morally wrong and unlawful

Other unfitness to render effective service: any other employee conduct, quality or condition which tends to interfere with an agency in fulfillment of its mission or that justifies the agency questioning whether it should continue to employ the employee.

Also refer to State HR Policy 10.000.01, Definitions

POLICY:

(1) Management Service Employees with Immediate Prior Classified Service

(a) At the agency's(ies') sole discretion, an eligible management service employee with immediate prior former regular status in classified service may be restored to classified service provided all the following conditions are met:

(A) The employee is being removed from management service; and

- (B) The removal is not voluntary and is not for reasons listed in ORS 240.555; and
 - (C) The employee's service has been continuous and without a break from classified service to appointment into management service.
 - (D) Employees with multiple position movements in management service may be considered for restoration provided the above conditions are met.
- (b) Eligible employees may be restored, when qualified, as follows (where not in conflict with collective bargaining agreement):
- (A) Classification Determination
 - (i) The employee may be placed in a vacant position in the same or lower 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 may be placed in that agency in a vacant position in a successor classification with duties comparable to the position where the employee last held regular status in a classified service position.
 - (iii) Agencies shall only utilize a double fill for a restored employee as outlined in State HR Policy 40.010.02, Recruitment and Selection.
 - (iv) Pay is determined by the Restoration section in State HR Policy 20.005.10, Pay Practices.
 - (c) A removed employee whose immediate prior classified service was regular status in an agency excluded from the provisions of ORS 240 is subject to the policies of that former agency.
 - (d) If the classified service was in a successor agency, both agencies must agree to the restoration.
 - (e) The appointing authority taking the removal action initiates the restoration process and coordinates with the receiving agency's Human Resources Office.
- (2) Management service employees without immediate prior classified service are not eligible for consideration of restoration under this policy.