

SUBJECT: Transition of Agency Head

NUMBER: 50.060.01

DIVISION: Chief Human Resources Office

EFFECTIVE DATE: November 4, 2015

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: The Director of the Department of Administrative Services (DAS) may enter into an agreement with an outgoing agency head to outline duties and expectations for a period not to exceed 30 calendar days. The purpose of the agreement is to provide a smooth, orderly transfer of duties from an outgoing agency head to an incoming agency head.

AUTHORITY: ORS 240.145(3); 240.205(2)

APPLICABILITY: Outgoing agency head in unclassified executive service

ATTACHMENTS: None

DEFINITIONS: See State HR Policy 10.000.01, Definitions; and OAR 105-010-0000

POLICY

- (1) Subject to written agreement and approval by the Director of DAS, an outgoing agency head may be retained for up to 30 calendar days to facilitate the transition to the new agency head.
 - (a) The outgoing agency head may continue to perform some, but not all of the duties and responsibilities of the agency head's position.
 - (b) During the 30-day transition period, the outgoing agency head will be reassigned to another position within the agency.
 - (c) Due to the reassignment of duties, responsibilities and authority, the outgoing agency head's compensation shall be reduced to be commensurate with the reassignment.
 - (d) The outgoing agency head shall continue to be subject to all State HR rules and policies applicable to unclassified executive service employees.
 - (e) Oregon state government will not pay for outplacement services.
 - (f) It is incumbent upon the agency's incoming agency head to monitor the passage of time to ensure the overlap of employment between the outgoing agency head and the incoming agency head, not to exceed 30 calendar days.
 - (g) The agreement between the outgoing agency head and the Director of DAS, shall be formalized in writing prior to going into effect and be available for the Department of Justice's review. A copy of the agreement shall be maintained by the incoming agency head and the agency's human resources office. A copy shall be made available upon request by the Chief Human Resources Office.

- (2) The written agreement shall include the following information as approved by the Director of DAS:
 - (a) The dates for the transition period, not to exceed 30 days.
 - (b) The position occupied during the transition period and compensation of the outgoing agency head.
 - (c) The duties, responsibilities and expectations to be fulfilled during the transition period by the outgoing agency head that demonstrates value to the agency.
 - (d) Location where the duties and responsibilities will be performed during the transition period.
 - (e) Notification that the outgoing agency head is still subject to all statutes, rules, policies and confidentiality agreement, where applicable, and that outplacement services will not be provided.
 - (f) Continued employment rights as stated in (4) of this policy.
- (3) When appropriate the Director of DAS shall consult with applicable boards or commissions.
- (4) Nothing in the agreement between an outgoing agency head and the Director of DAS shall create a right of continued employment. The state reserves the right to immediately terminate the outgoing agency head's employment as provided in State HR Policy 40.035.01, "Unclassified Service Employment and Termination." The outgoing agency head reserves the right to discontinue employment at any time.