

HB 2149

Chief Human Resources Office Department of Administrative Services

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Executive Branch Employees

Subject to ORS 240

- **32,658** represented employees
- **1,012** unrepresented employees
- **3,277** management – supervisory employees
- **1,655** management – managerial non-supervisory
- **107** management – confidential
- **652** executive service

Management Service Employees

Subject to ORS 240

Confidential

Employee in the position makes decisions in the collective bargaining process OR assists a decision maker(s).

Managerial

Employee has the authority to determine the service or product to be produced by the agency such as policy, implementing programs, or a non-supervisory HR employee who advises and makes recommendations to management.

Supervisory

Employee has the authority to do one or more of the following:
hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action,

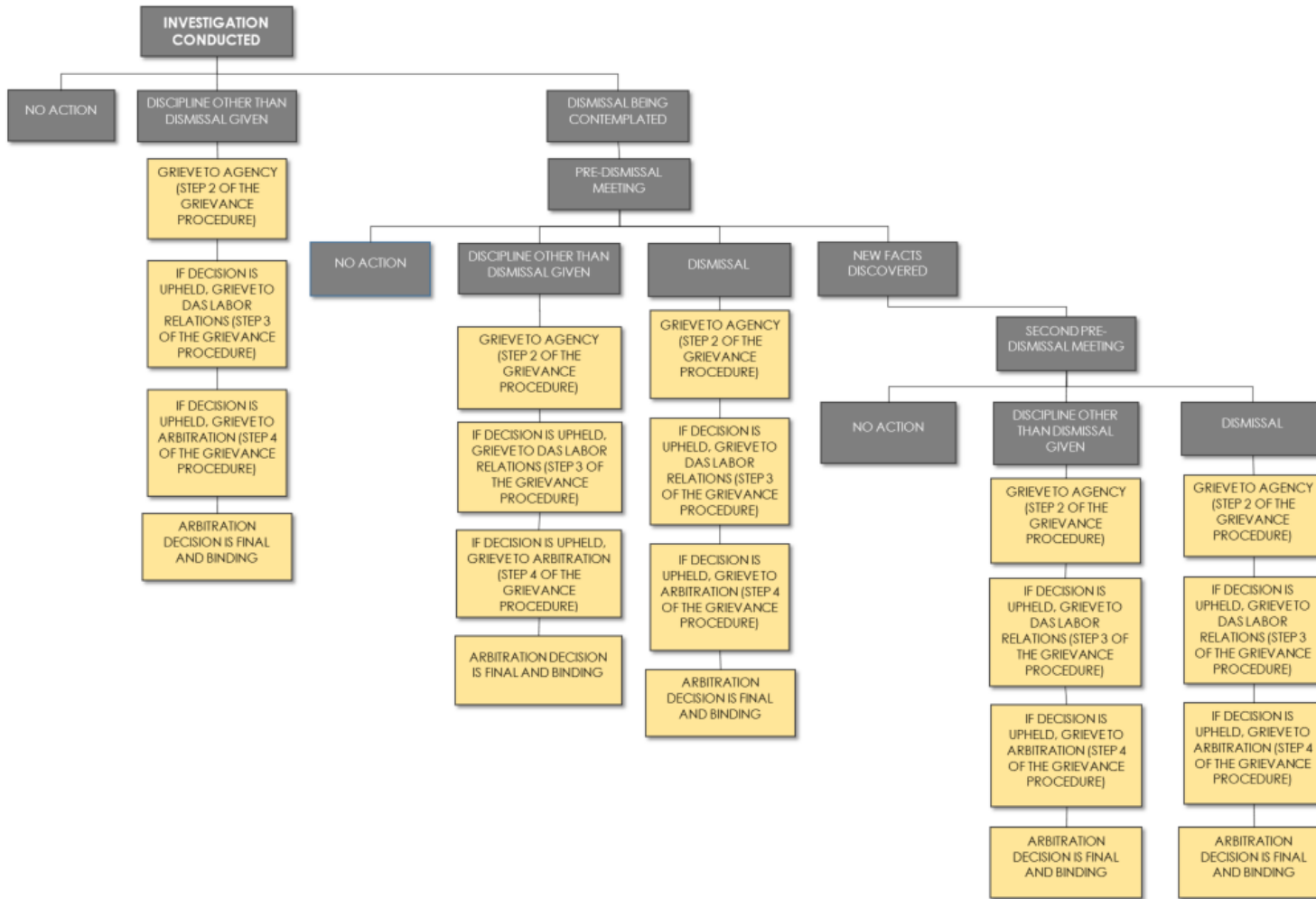
AND

The exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

Represented Employee Discipline

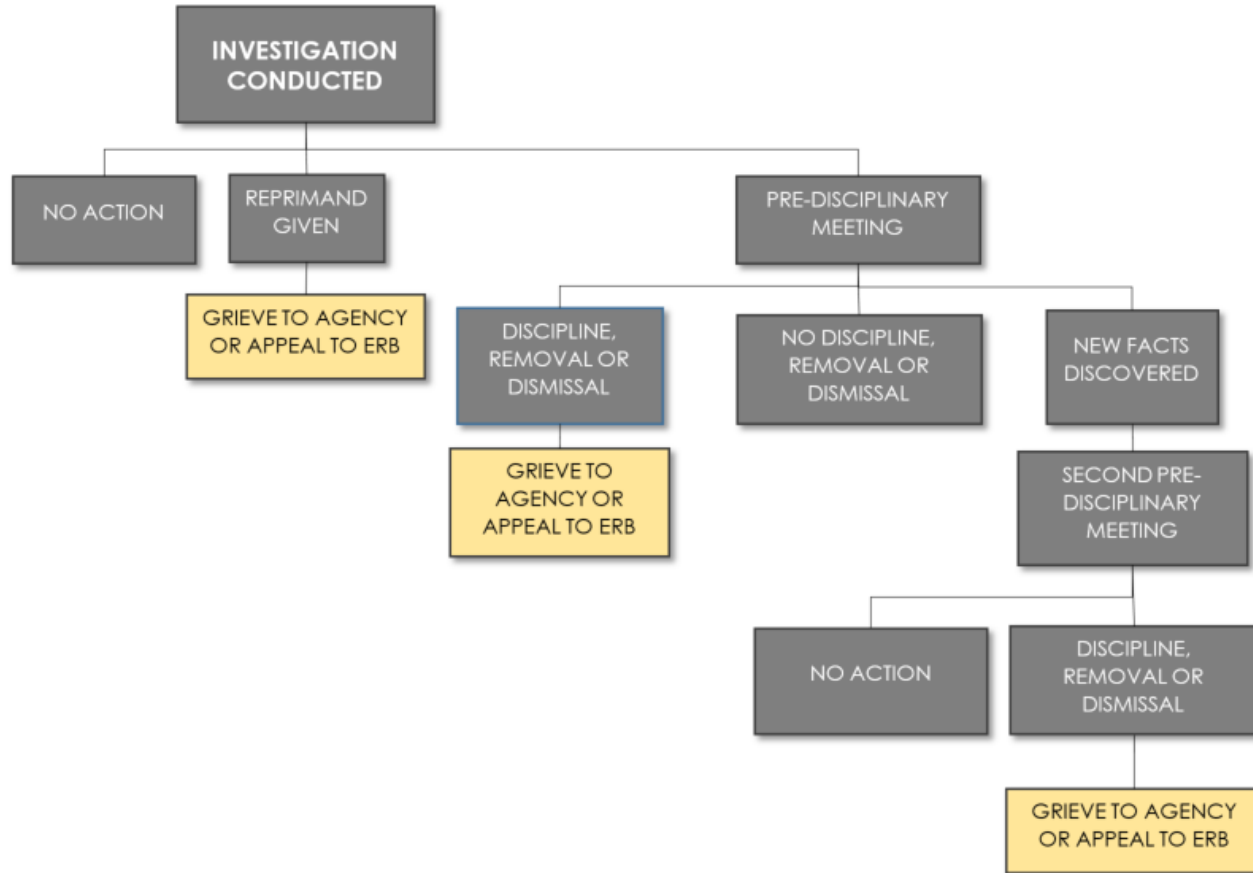
Seven Steps of Just Cause

1. Did the employee know and understand the rule and possible disciplinary consequences of violating the rule?
2. Is the rule necessary for the orderly, efficient, and safe operation of the business?
3. Did the employer investigate to determine whether the employee actually violated the rule? (This includes investigating the employee's statement or defense.)
4. Was the employer's investigation conducted fairly and objectively?
5. During the investigation, did the employer obtain substantial evidence or proof that employee was guilty?
6. Has the employer applied its rules and discipline fairly and consistently to all employees?
7. Was degree of discipline reasonably related to seriousness of the proven offense as well as the employee's length of service and work record?



*Chart is the grievance process for SEIU

Management Service Discipline



Disciplinary Standards

- Misconduct offenses such as malfeasance, insubordination, indolence and certain varieties of unfitness.
- Inadequate Performance such as inefficiency, competency and that unfitness to render effective service due to an incapability or an inability to perform, including an inability to report to work.
- ERB's reasonable employer test

The primary distinction between the management and classified services both in [State Personnel Relations Law] and in employment systems generally, is the level of accountability that a manager must accept with the authority and responsibility that his or her position carries, and the lesser degree of 'cause' which must be established in the case of a manager's deficiencies to justify a disciplinary sanction."

Jones v. Department of Transportation Highway Division, Case No. MA- 6-87 at 17 (May 1989) (footnote omitted).