

LEGISLATIVE BRANCH PERSONNEL RULES

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State of Oregon
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Legislative Branch Personnel Rule 1: General Provisions

(1) **General application of rules.** Unless otherwise stated in a specific rule, the Legislative Branch Personnel Rules (LBPR) apply to all members and employees of the Legislative Assembly, Legislative Administration, the Legislative Counsel Office, the Legislative Fiscal Office, the Legislative Revenue Office and the Legislative Commission on Indian Services.

(2) **Policy.** It is the intent of the Legislative Assembly for the Legislative Branch Personnel Rules to encourage a high level of competence and professional capability among legislative staff by providing an orderly, efficient and equitable plan of personnel administration. In the development and application of these rules, continuing recognition must be given to the unique political and administrative requirements of the legislative process and the distinctive relationships among the various units of the Legislative Branch. The Legislative Branch Personnel Rules are intended to serve as uniform procedures that reflect current Legislative Branch employment practices.

(3) **Process for modifying personnel rules.**

(a) Prior to the adoption, amendment or repeal of any personnel rule by the Legislative Administration Committee, the Legislative Administrator shall give notice of the intended action:

(A) At least 30 days before the effective date of the change in rule;

(B) To all agency heads, parliamentarians and leadership chiefs of staff; and

(C) By providing a copy of the changes to all agency heads, parliamentarians and leadership chiefs of staff.

(b) Each member and employee of the Legislative Branch shall be made aware of and given access to the personnel rules and any subsequent change, rescission or addition to the rules. Each member and employee is expected to review and become familiar with the rules.

(4) **Exempt service.** ORS 240.200 specifies that all officers and employees of the Legislative Branch are exempt service employees and are not generally subject to State Personnel Relations Law. Positions in the exempt service are not subject to the provisions of the rules and policies of the Oregon Department of Administrative Services Personnel Division. However, ORS 240.245 provides that a salary plan for the exempt service must be equitably applied to the exempt position and in reasonable conformity with the general state salary structure.

(5) **Application of certain labor laws.**

(a) The Legislative Branch Personnel Rules constitute rules of proceedings of the Legislative Assembly and take precedence over conflicting provisions of state law to the extent that the rules expressly provide for such precedence. Section 4, *Mason's Manual of Legislative Procedure* (2010 ed.).

(b) As provided by 29 U.S.C. 203(e)(2)(C), all Legislative Branch employees, except legislative library employees, are exempt from the Fair Labor Standards Act (29 U.S.C. 201 et seq.). These rules may modify state laws implementing the Fair Labor Standards Act to the extent that those laws apply to Legislative Branch employees.

(6) Authority.

(a) The authority for the personnel rules is derived from Article IV, section 11, of the Oregon Constitution, and, where otherwise not in conflict with the rules, ORS 173.005, 173.007, 240.200 and 240.245.

(b) The personnel rules shall be known and may be cited as the Legislative Branch Personnel Rules, the personnel rules or LBPR.

(c) The Legislative Administrator is responsible for the administration of the Legislative Branch personnel system.

(d) At the direction of the Legislative Administrator, the Human Resources Director shall prepare, maintain and administer the personnel rules, related policies, a classification system, a compensation plan and recruitment and selection procedures.

(e) Agency heads and parliamentarians are responsible within their respective agencies or offices for the exercise of appointing authority, for the supervision of agency or office operations and for the equitable administration of the personnel rules and related policies

(f) Agency heads and parliamentarians, consistent with the personnel rules and related policies, are responsible for the selection, appointment and retention of division directors and unit managers.

(7) Time records. The payroll administrator shall maintain an official set of employee time records. The employee and the employee's supervisor, or the designee of the employee's supervisor, shall approve the employee's time record. Information for time records shall be recorded by the payroll administrator for each employee, after which the time records will become the basis for the payroll. An employee's time record maintained under this rule shall include the following information:

(a) Hours worked by nonexempt employees who are eligible for overtime as provided by LBPR 4 (7);

(b) Vacation leave used;

(c) Sick leave used;

(d) Any other paid leave used; and

(e) Unpaid leave used.

(8) Interpretation. The interpretation of a personnel rule by an agency head or parliamentarian is final and binding on the legislative agency or parliamentary office and the employees supervised by an agency head or parliamentarian. To promote consistency in the interpretation of the personnel rules throughout the Legislative Branch, an agency head or parliamentarian is encouraged to consult with the Legislative Counsel or the Human Resources Director.

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Legislative Branch Personnel Rule 2: Definitions

APPLICABILITY: This rule applies to members of the Legislative Assembly and all employees of the Legislative Branch.

The following definitions apply to the Legislative Branch Personnel Rules unless otherwise noted in a specific rule:

- (1) “Agency head” means the Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Legislative Revenue Officer or the Executive Director of the Legislative Commission on Indian Services.
- (2) “Appointing authority” means the person who has authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge or discipline an employee.
- (3) “Caucus leader” means the Democratic or Republican Leader of the Senate or the Democratic or Republican Leader of the House of Representatives.
- (4) “Caucus office” means the office of the Democratic or Republican Leader of the Senate or the office of the Democratic or Republican Leader of the House of Representatives.
- (5) “Class,” “classification” or “class of positions” means a group of positions sufficiently alike in duties, authorities and responsibilities that similar qualifications and schedules of compensation may be applied to the group of positions.
- (6) “Class specifications” means a document setting forth, for each class, a class title, distinguishing features, characteristic duties and necessary knowledge, skills and abilities.
- (7) “Compensation plan” means the schedule of rates of pay for the various classes and titles in legislative service.
- (8) “Compensatory time” means paid time off instead of cash payment for overtime worked.
- (9) “Continuing status” means an employment status of indefinite, ongoing duration.
- (10) “District office” means any office facility operated for more than 30 days for the benefit of one or more members of the Legislative Assembly that is not located within the physical structure of the State Capitol building.

(11) “Employee Services” means the division of Legislative Administration charged with employment and human resources administration for the Legislative Branch. The manager of Employee Services is the Human Resources Director.

(12) “Flexible work schedule” means a work schedule that varies from a regular work schedule in the number of hours worked, the number of days worked or the starting or stopping times of work.

(13) “Human Resources Director” means the manager of Employee Services.

(14) “Initial probationary period” means the probationary period following the initial appointment to a position in the Legislative Branch or an appointment to a position in the Legislative Branch that follows a break in legislative service of at least 12 months’ duration.

(15) “Leadership chiefs of staff” means the Chief of Staff of the Office of the Senate President and the Chief of Staff of the Office of the Speaker of the House of Representatives.

(16) “Leadership office” means the Office of the Senate President or the Office of the Speaker of the House of Representatives.

(17) “Legislative agency” means Legislative Administration, the Legislative Counsel Office, the Legislative Fiscal Office, the Legislative Revenue Office or the Legislative Commission on Indian Services.

(18) “Legislative Branch” means members and employees of the Legislative Assembly, the parliamentary offices, Legislative Administration, the Legislative Counsel Office, the Legislative Fiscal Office, the Legislative Revenue Office and the Legislative Commission on Indian Services.

(19) “Limited duration status” means an employment status that terminates at the end of a specified period, and that exists to complete work of certain or limited duration or when position reduction is anticipated.

(20) “Member of the Legislative Assembly” or “member” means a Senator or Representative.

(21) “Parliamentarian” means the Secretary of the Senate or the Chief Clerk of the House of Representatives.

(22) “Parliamentary office” means the Office of the Secretary of the Senate or the Office of the Chief Clerk of the House of Representatives.

(23) “Personal staff” means a legislative assistant, chief of staff, administrative assistant or other staff person of a member of the Legislative Assembly, except that “personal staff” does not include caucus office staff or leadership office staff.

(24) “Presiding officers” means the Senate President and the Speaker of the House of Representatives.

(25) “Probationary period” means a six-month period following appointment to a position, during which an employee is subject to observation and evaluation by the appointing authority for the purpose of determining the employee’s willingness and ability to satisfactorily fulfill the requirements of the position. The appointing authority may extend the duration of the probationary period.

(26) “Promotional probationary period” means the probationary period following the appointment of an existing Legislative Branch employee to a new position that constitutes a promotion from the employee’s previous position.

(27) “Reclassification” means a classification change based on a significant change of position duties, authority and responsibilities, but with continuation of the same general knowledge and skills.

(28) “Recognized service date” means the date reflecting an employee’s initial appointment to state service, and that is used to determine the employee’s vacation accrual rate.

(29) “Red-circled” means, when a position is allocated to a lower classification, retention of the employee’s salary rate at the higher classification if the salary rate is above the maximum of the new, lower classification.

(30) “Regular work schedule” means a work schedule of eight hours per day, 40 hours per week.

(31) “Salary eligibility date” means the date on which an employee is eligible for consideration for a merit increase.

(32) “Session-only status” means a continuing employment status that occurs during a period that begins on or after December 1 preceding a regular session and ends on or before the end of the month following the month in which that regular session adjourns sine die.

(33) “Telecommuting” means performing the employee’s work on a regular basis at a work site other than the employee’s regular work location.

(34) “Temporary status” means a noncompetitive employment status established to cope with short-term or unexpected workload demands when the establishment of a permanently funded position is inappropriate or unfeasible.

(35) “Underfill” means employment of a person in a classification lower than the allocated level of the position, when there is a reasonable expectation that the employee will meet minimum qualifications of the allocated level within 24 months of appointment.

(36) “Work out of class” means a temporary assignment of an employee to assume essentially all of the duties, authorities and responsibilities of a position classified at a higher salary level, for a period of 10 or more days.

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Legislative Branch Personnel Rule 3: Classification

APPLICABILITY: This rule applies to all employees of legislative agencies and parliamentary offices.

(1) **Purposes.** The purposes of classification are to:

- (a) Identify and group similar types and levels of work into classes;
- (b) Describe those classes accurately in order to ensure that the classes are clearly differentiated so that each position can be allocated appropriately;
- (c) Provide a framework for conducting recruitment and selection activities; and
- (d) Provide a foundation on which to identify relationships among classes for purposes of salary administration, in order to achieve equitable comparability in value between work performed by employees in legislative agencies and parliamentary offices, and work performed in other branches of state government, as reflected in the compensation and classification structure of the state system.

(2) **Goals.** The Legislative Branch shall adopt and maintain a branch-wide class specification plan under which:

- (a) Legislative agencies group jobs into broad, agency-wide classes whenever possible.
- (b) Legislative agencies reduce the total number of classes consistent with good management practices and ORS 240.190 and 243.650 to 243.782.
- (c) Classes of jobs are discrete and internally consistent.

(3) **Interpretation of class specifications.** All class specifications must describe typical duties that employees occupying positions in the class may be required to perform. Class specifications must identify a type and level of work and must be explanatory but not restrictive. The description of particular tasks in a class specification may not be construed as a detailed statement of the work requirements of a position and does not preclude the assignment of other appropriate tasks.

(4) **Allocation of new positions.** When a new position is established, the appointing authority shall submit a position description to Employee Services. An Employee Services team shall review the duties, authorities and responsibilities of the position and assign an appropriate classification to the position. If it appears to the team that the duties, authorities and responsibilities require establishment of a new class of positions, the Human Resources Director shall begin the process of establishing the class.

(5) **Submission of reclassification request.**

- (a) An employee who is not in temporary or limited duration status or an appointing authority may request review of the appropriateness of a classification.

(b) Employee requests must be submitted in writing to the appointing authority and must include what has changed about the job and why the employee believes the assigned duties are inconsistent with the current classification. The employee must sign and date such a request and, if the employee's supervisor is someone other than the appointing authority, the employee must provide a copy of the request to the employee's supervisor. Within 30 calendar days of receiving the request, the appointing authority shall forward the request to the Human Resources Director. The appointing authority's submission must include a recommendation, a current position description for the position, an explanation of what has changed about the position and a summary of any actions taken by the appointing authority pertaining to the reclassification request. A copy of this information shall also be provided to the employee making the request and, if applicable, to the employee's supervisor.

(c) Appointing authority requests based on a proposed reorganization must be submitted to the Human Resources Director in writing prior to implementing the reorganization and must include:

- (A) Current and proposed organizational charts;
- (B) Position descriptions; and
- (C) Projected classifications.

(d) Appointing authority requests based on permanent, substantive changes in duties unrelated to reorganization (i.e., changes that have evolved over a period of time) must be submitted to the Human Resources Director in writing prior to making the reclassification change and must include position descriptions and projected classification.

(6) Human Resources Director review of and determination on reclassification request. Within 60 calendar days after receiving a reclassification request involving one position, or within 120 calendar days after receiving a reclassification request involving more than one position, the Human Resources Director shall review the request and determine the appropriate classification or classifications. A determination made under this subsection must include the director's rationale and be submitted in writing to the appointing authority and to any affected employee.

(7) Appeal of Human Resources Director's classification determination. An employee or appointing authority who disagrees with the Human Resources Director's determination on a reclassification request, or an appointing authority who disagrees with a new position allocation, may appeal by requesting a second review by the Human Resources Director. The appeal must be received by Employee Services within 30 calendar days after the date of the Human Resources Director's initial determination. The appeal must be made in writing and state the reason why the appointing authority or employee believes that the determination is erroneous and include any available documentation that supports the appointing authority's or employee's position. The Human Resources Director shall review the submitted materials and may consult with other persons or utilize other resources in resolving the appeal. The Human Resources Director's decision on an appeal shall be provided to both the appointing authority and the employee and shall be final. Once a decision has been made, an employee may not submit an additional request for reclassification unless the duties, responsibilities or authorities of the position change significantly.

(8) Implementation of classification determinations. Except when a position is underfilled, reclassifications shall be implemented as follows:

(a) Upward reclassification: Within 30 calendar days after receiving the final determination on a reclassification request, the appointing authority shall take one of the following actions and notify the incumbent employee and the Human Resources Director of the action taken:

(A) Reclassify the position and the incumbent employee to the higher class in accordance with subsection (9) of this rule and LBPR 4 (3). The effective date for a reclassification shall be the date of the first day of the month that approval is received.

(B) Remove the higher-level duties in order to retain the current classification level and compensate the incumbent employee for working out-of-class from the date the request for reclassification is approved by the appointing authority or Human Resources Director.

(C) Fill the position, if vacant, by any of the recruitment methods listed in LBPR 6.

(b) Downward reclassification: Within 30 calendar days after receiving the final determination on a reclassification request, the appointing authority shall take one of the following actions and notify the incumbent employee and the Human Resources Director of the action taken:

(A) Reclassify the position and incumbent employee downward into the lower-level class, in accordance with LBPR 4 (3). The effective date of the reclassification shall be the first day of the month following the final determination. The salary of an employee that is above the maximum salary of the new classification will be frozen until the employee's salary falls below the maximum salary level.

(B) Reassign higher-level duties to ensure that the position remains at its current classification level.

(C) Fill the position by any of the recruitment methods listed in LBPR 6. This option applies only when a vacant position is filled.

(c) If a position is underfilled at the time of reclassification, nothing in this rule causes the reclassification to have the effect of removing the underfill. The appointing authority has the discretion to remove the underfill at the time of reclassification or at another time.

(9) Effect of reclassification on employment status. Reclassified employees shall retain their existing continuing status.

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Legislative Branch Personnel Rule 4: Compensation

APPLICABILITY: This rule applies to all employees of legislative agencies and parliamentary offices, except that:

(a) Subsections (3)(d) and (12) of this rule apply to all Legislative Branch employees who are not members of the Legislative Assembly;

(b) Subsection (15) of this rule applies to members of the Legislative Assembly and all Legislative Branch employees; and

(c) Subsections (1) to (14) and (16) of this rule do not apply to temporary status employees.

(1) **Purpose.** The purpose of the compensation plan is to provide a uniform system for establishing and assigning salary levels and administering pay to recruit and retain a high-quality workforce.

(2) **Preparation of compensation plan.** For each class of work, a minimum and maximum pay rate, and intermediate rates as necessary, shall be established. The rates assigned to each class must reflect the differences in the duties, authorities and responsibilities of the class. Data considered as part of compensation analysis may include, but need not be limited to, rates paid by other public and private employers for comparable work, Legislative Branch policies and financial conditions, unusual recruitment and retention circumstances and other relevant salary and economic data.

(3) **Salary administration.**

(a) Entrance salary hiring range.

(A) An employee shall normally be appointed at a step that is in the bottom half of the salary range for a class.

(B) An appointing authority may hire an applicant at up to the top step in the salary range for a class if:

(i) The applicant's current or most recent relevant salary and benefits are higher than the Legislative Branch's first step;

(ii) The applicant brings education or experience to the job that will substantially enhance the employee's immediate contribution; or

(iii) Unusual or difficult recruitment conditions exist.

(C) The appointing authority shall document and retain the reasons for hiring above the bottom half of the applicable class.

(b) Hiring bonus. With the approval of the agency head or parliamentarian, a lump sum payment may be given to an employee at the time of hiring, promotion or lateral transfer when

there is a difficult recruitment situation and the payment is needed in order to fill the position. Documentation of the specifics of the payment must be retained in the recruitment file.

(c) Moving expenses. Legislative agencies and parliamentary offices may reimburse actual moving expenses for a newly hired employee, not to exceed a total of \$5,000. A condition of moving expense reimbursement is agreement to repay any moving expense reimbursement in an amount equal to the amount of moving expenses reimbursed multiplied by the percentage of the 24-month commitment not served by the employee. The employee is not responsible for repayment of moving expense reimbursement if the employee is terminated at the discretion of the appointing authority under terms of at-will employment.

(d) Branch-wide changes to compensation plan. The presiding officers may, at such times as the presiding officers deem appropriate and subject to the availability of resources, adjust the compensation plan. Adjustments may be made in each step of each salary range and may not result in employee movement from one step to another. All employees who are on step are eligible for adjustment of steps. Employees that are off step will receive a salary adjustment only at the request of the appointing authority via personnel action.

(e) End of probationary period.

(A) After successful completion of a probationary period, an appointing authority shall review the performance of the employee, and may authorize a minimum one-step salary increase within an employee's salary range if the increase would not cause the employee's salary to exceed the maximum rate for the range. Any step increase awarded upon the completion of an employee's probationary period is entirely at the discretion of the appointing authority. If granted, the increase becomes effective on the first day of the month following successful completion of the probationary period.

(B) An employee who is promoted from limited duration status to full-time continuing status may receive a step increase upon successful completion of a probationary period. In this instance, if a step increase is granted, the employee's salary eligibility date does not change, and the employee continues to be eligible for annual increases.

(C) An employee promoted during the initial probationary period may receive an increase. The employee is then ineligible for an increase upon completion of the initial probationary period. However, upon completion of a promotional probationary period, the employee may receive a step increase.

(D) An employee reclassified upward during a probationary period may receive an increase. The employee is then ineligible for an increase upon completion of the probationary period.

(f) Annual merit increase.

(A) The appointing authority of a limited duration or a continuing status employee may grant, postpone or deny an annual merit increase to the employee on the employee's salary eligibility date if the employee's base rate of pay does not equal or exceed the maximum rate for the employee's salary range. If awarded, an annual merit increase is one step.

(B) At any time during the year following the postponement or denial of an annual merit increase, the appointing authority may grant the increase. Withholding of an annual merit increase does not change an employee's salary eligibility date.

(C) For each period of leave without pay that is in excess of 15 consecutive calendar days, the employee's recognized service date shall be permanently adjusted by adding to the salary eligibility date the number of calendar days absent, thereby making the eligibility date later than it would have been if leave without pay had not been taken. This subsection does not apply to unpaid leave authorized under LBPR 15.

(g) Promotional increases.

(A) Upon promotion, an employee may receive an increase in pay equivalent to one step, unless additional steps are required to compensate the employee at the first step of the classification to which the employee is promoted.

(B) Under unusual circumstances and after consultation with the Human Resources Director, an employee may be offered an increase in pay beyond the first step of the new range. Unusual circumstances include, but are not limited to, the employee's education or experience that will substantially enhance the employee's immediate contribution, and the existence of documented unusual or difficult recruitment conditions. Such an increase may not cause the employee's new base rate of pay, excluding differentials, to exceed the maximum rate of pay for the higher-level classification. The appointing authority shall inform the Human Resources Director of the increase and document and retain the reasons for granting the increase.

(C) Employees who are promoted may receive a step increase following the promotional probationary period.

(h) Transfer. When an employee transfers from one position to another position in the same classification or a classification having the same salary range, the employee's base rate of pay remains the same. The employee's status and salary eligibility date are not affected.

(i) Reclassification.

(A) Upward.

(i) Except as described below, when an employee's position is reclassified to a higher classification, the employee may receive an increase from the employee's base rate of pay to a rate in the salary range to which the employee is reclassified. The employee's status is not affected. The employee's salary eligibility date is not affected by the reclassification.

(ii) Under unusual circumstances, an appointing authority may grant an additional step upon upward reclassification. Unusual circumstances include, but are not limited to, an employee's scheduled salary eligibility date closely following the effective date of the upward reclassification, or the employee having received a differential for a substantial duration that will no longer continue after the upward reclassification. Such an increase may not cause the employee's new base rate of pay to exceed the maximum rate of the higher-level classification. The appointing authority shall report the increase to the Human Resources Director and document and retain the reasons for granting such an increase.

(B) Downward. When an employee's position is reclassified to a lower classification, the employee's base rate of pay and status are not affected. If the employee's base rate of pay is higher than the maximum rate of pay for the class to which the employee is reclassified, the employee shall be red-circled. If the employee's base rate of pay is lower than the maximum rate for the class to which the employee is reclassified, the employee's salary eligibility date is not affected.

(j) Demotion.

(A) Voluntary demotion.

(i) When a regular status employee or a limited duration status employee requests and is granted demotion to a classification having a lower salary range, the employee's base rate of pay shall be decreased to a rate within the salary range of the lower classification. The employee's salary eligibility date shall not be affected. However, if the employee's base rate of pay is above the maximum rate for the lower salary range, the employee's base rate of pay shall be decreased to the maximum rate of the lower salary range, and the month and day of the employee's salary eligibility date shall be maintained. The employee's status is not affected.

(ii) When an employee who has been promoted and is on a promotional probationary period requests and is granted demotion back to the employee's prior classification, the appointing authority shall reduce the employee's base rate of pay to the step in the salary

range that the employee was at prior to promotion. The month and day of the employee's prior salary eligibility date shall be restored and the employee shall receive the annual increase the employee would have otherwise received, if any, but for the promotion. The employee's status returns to what it was prior to promotion.

(iii) When an employee in an initial probationary period, or a limited duration status employee who has been employed for less than one year, requests demotion to a classification having a lower salary range, the appointing authority shall adjust the employee's base rate of pay, not including differentials, to the lower salary range and may adjust the employee's base rate of pay to any rate of pay within that salary range that is equal to or lower than the employee's base rate of pay prior to demotion. The employee's salary eligibility date is not affected, provided the employee's base rate of pay does not equal the maximum rate of the lower salary range. The employee's status is not affected.

(B) Involuntary demotion. When an employee is involuntarily demoted, the appointing authority shall adjust the employee's salary range to the salary range for the position to which the employee is demoted and may adjust the employee's base rate of pay to any step within that salary range. The employee's status is not affected. The employee's salary eligibility date is not affected provided the employee's base rate of pay does not equal the maximum rate within the lower salary range.

(k) Red-circled employees. The base rate of pay of an employee who becomes red-circled may not be increased until the salary amount being paid is within the salary range established for the position.

(L) Rehire. Upon rehire, an employee's base rate of pay, not including differentials, shall be determined by the appointing authority in accordance with this subsection.

(m) Special salary adjustments.

(A) Recognition.

(i) An agency head or parliamentarian may grant a one-step special salary adjustment, up to the salary range maximum, to any employee who is not in a temporary or limited duration status, who has completed six months of employment and, if applicable, who has completed six months of the current probationary period.

(ii) A special salary adjustment is to be reserved for truly exemplary performance or for uniquely compelling circumstances. An agency head or parliamentarian who wishes to grant a special salary adjustment to an employee must submit, for inclusion in the employee's official personnel file, written justification that clearly demonstrates how this expenditure is in the best interest of the Legislative Branch.

(iii) An employee may receive no more than one recognition adjustment in any 12-month period. Such an adjustment does not affect an employee's salary eligibility date.

(iv) An agency head or parliamentarian may grant a special recognition bonus for truly exemplary performance or under uniquely compelling circumstances. An employee may receive only one special recognition bonus in any 12-month period and may not receive a special recognition bonus in the same 12-month period in which the employee received a special salary adjustment under this rule.

(B) Retention.

(i) An appointing authority may grant a special salary adjustment up to the maximum of the employee's salary range to retain any employee who is not in a temporary or limited duration status and who holds a mission-critical position. The employee must present to the appointing authority a bona fide employment offer that does not originate from the Legislative Branch. The employee may be required by the agency head or parliamentarian to

sign a legally binding agreement not to resign from the Legislative Branch for up to one year from the date of the adjustment.

(ii) The appointing authority must produce a report with written justification defining the terms of the employee's external employment offer and demonstrating the mission-critical nature of the position held by the employee for whom a special salary adjustment is to be granted. This report, along with the signed agreement to remain, if any, shall be placed in the employee's official personnel file.

(iii) An employee may receive no more than one retention adjustment in any salary range. An adjustment does not affect an employee's salary eligibility date.

(4) **Compensation plan changes.** Changes in the compensation plan are effective on the date specified by the presiding officers. All compensation plan changes are subject to availability of funding.

(5) **Partial pay period.** If an employee works less than a full calendar month in a pay period due to hire, termination or leave without pay, the employee's pay for that month shall be computed on a prorated basis using the number of available work hours, based on the employee's schedule, in that month.

(6) **Partial day absences.** Non-overtime-eligible employees must use accrued leave for partial day absences. If a non-overtime-eligible employee does not have sufficient appropriate paid leave accrued to cover the absence, the appointing authority may not reduce the employee's salary for that portion of the partial day absence not covered by paid leave.

(7) **Overtime.**

(a) Authorization. Overtime-eligible employees are eligible for overtime when:

(A) Time worked is in excess of 40 hours in one workweek; or

(B) Time worked in a single workday exceeds 12 hours. In such a case, overtime is calculated and paid only for the time worked in excess of 12 hours in any one workday or in excess of 40 hours worked in one workweek.

(b) Unauthorized overtime. An overtime-eligible employee who performs overtime work without authorization from the employee's supervisor may be subject to discipline.

(c) Volunteering. An appointing authority may not allow an employee who is overtime-eligible and who has worked 40 hours in a workweek to perform work that is the same or similar to the employee's regularly assigned duties on a volunteer basis. Such voluntary work performed by an overtime-eligible employee during a workweek in which the employee has worked 40 hours is considered time worked for purposes of computing overtime.

(8) **Eligibility.** All legislative agencies and parliamentary offices, other than legislative librarian positions, are exempt from the Fair Labor Standards Act (FLSA). Some positions are treated under these rules as overtime eligible, as determined using FLSA criteria. The employees in these positions are eligible for overtime.

(9) **Recording and compensation.**

(a) In the case of overtime-eligible employees, all time worked must be recorded on the employee's timesheet. Overtime is compensated at the rate of one and one-half times the employee's regular hourly rate of pay, as defined by the Bureau of Labor and Industries, at the

time the overtime is worked. Paid leave is not considered as time worked when calculating overtime.

(b) An agency head or parliamentarian may elect to compensate overtime-eligible employees by cash payment or by compensatory time. An employee may accrue a maximum of 240 hours of compensatory time. An employee who has accrued 240 hours of compensatory time and who works overtime must receive cash payment for the overtime worked in excess of 240 hours.

(10) Use of compensatory time.

(a) In the case of overtime-eligible employees, compensatory time is available for use any time following the work day in which it is earned. The use of compensatory time may be requested by the employee or may be required by the appointing authority.

(b) The use of compensatory time must be scheduled in advance.

(c) A supervisor shall grant an overtime-eligible employee's request to use accrued compensatory time unless doing so would unduly disrupt business operations.

(11) Compensation and compensatory time at termination. In the case of overtime-eligible employees, an employee who terminates employment shall be paid for accrued compensatory time at the employee's regular hourly rate at termination.

(12) Compensation and compensatory time upon transfer or promotion.

(a) When an overtime-eligible employee transfers or is promoted to a different position in the Legislative Branch, the appointing authority for the position being vacated shall pay the employee for all accrued compensatory time earned prior to the effective date of transfer or promotion at the regular hourly pay rate the employee was receiving on the workday prior to transfer or promotion.

(b) The appointing authority for the position being filled may, prior to the effective date of the transfer or promotion, agree in writing to allow the employee to retain some or all of the employee's accrued compensatory time, which then becomes the liability of the legislative unit or agency to which the employee is transferring or being promoted.

(13) Compensation and compensatory time before termination. An appointing authority may elect at any time to pay an overtime-eligible employee in cash for all or a portion of compensatory time after such time has been accrued. If an employee is paid for accrued compensatory time before termination, payment shall be made at the employee's regular hourly pay rate at the time of payment.

(14) Second jobs. When an employee applies for a second job within the Legislative Branch:

(a) If the employee is working full-time for the first legislative agency or parliamentary office and if the second Legislative Branch position has the same or similar job duties, the second legislative agency or parliamentary office shall be responsible for any overtime pay liability. However, the second agency or office may refuse to hire the employee because of potential overtime pay liability.

(b) If the employee is working part-time for the first legislative agency or parliamentary office and if the second legislative agency or parliamentary office job has the same or similar duties, the two entities shall mutually agree on the employee's overtime eligibility status and any overtime pay obligation. Unless both entities agree otherwise, the legislative agency or

parliamentary office employing the employee at the time the employee exceeds 40 hours in one workweek shall pay any overtime for which the employee is eligible.

(c) If the second legislative job is in a different capacity than the employee's regular job and is occasional or sporadic, the second legislative agency or parliamentary office may hire the employee without overtime pay liability. As used in this paragraph:

(A) "Different capacity" means employment involving duties that do not fall within the same general occupational category as the employee's regularly assigned duties.

(B) "Occasional or sporadic" means infrequent, irregular or occurring in scattered instances.

(15) Separation of powers.

(a) Unlike the United States Constitution, which establishes separation of powers only by implication, the Oregon Constitution contains a specific requirement dividing state government into three separate branches: the Legislative, the Executive and the Judicial. The Oregon Constitution further provides that no person charged with official duties under one of these branches shall exercise any of the functions of another, except as otherwise expressly provided in the Constitution. *See* Article III, section 1, Oregon Constitution.

(b) Article III, section 1, prohibits:

(A) Employees of one branch from undertaking a duty or function that belongs in another branch;

(B) Employees of one branch, in performing a duty appropriate to that branch, from doing so in a way that unduly interferes with the operation of another branch's function; and

(C) The same person from simultaneously performing duties as an affiliate of more than one branch.

(b) Due to Article III, section 1, employees may not work for more than one branch of government simultaneously.

(16) Differentials.

(a) Shift differential.

(A) Shift differential applies to any employee who is in an overtime-eligible position and whose regularly scheduled workday falls all or partially within the hours of 6:00 p.m. and 6:00 a.m. or on Saturday or Sunday.

(B) The amount of shift differential must be consistent with differentials paid in other branches of state government. Shift differential is applied to the actual time worked between the hours of 6:00 p.m. and 6:00 a.m., or on Saturday or Sunday, and is considered in the calculation of overtime pay.

(C) Shift differential may not be computed at the rate of one and one-half the employee's regular rate of pay for a shift occurring on a holiday.

(D) Shift differential is not applied to base pay rates for computation of pay during leave with pay.

(E) An appointing authority and employee may mutually agree, in advance and in writing, to waive the payment of shift differential. A waiver is possible only when an employee requests to work a schedule that would otherwise qualify for payment and the approval is based on the employee's personal preference rather than business need.

(b) Work out of class.

(A) Eligibility and rate. Except as described below, an employee assigned in writing to perform duties of an existing, higher-level classification for a period of 10 or more

consecutive work days must be compensated for the performance of such duties. Compensation is generally a temporary one-step salary increase for the period during which the duties are performed. Under unusual circumstances, such as when the employee assumes the full responsibility of a higher level class and a one-step increase is not sufficient to compensate the employee at the minimum rate of the higher level class, and after consultation with the Human Resources Director, an appointing authority may grant more than a one-step increase. The appointing authority shall document and retain the reasons for granting more than a one-step increase. The pay rate of an employee receiving work out of class may not exceed the top step of the higher level classification.

(B) Duration. Work out of class duties may be assigned for a specified period not to exceed one year. An appointing authority may extend a work out of class assignment beyond one year under unusual circumstances.

(C) Waiver. When an employee is assigned higher-level duties that would otherwise qualify for work out of class, the employee and appointing authority may mutually agree to waive the work out of class when the purpose of the assignment is to give the employee the opportunity to learn a higher-level job skill.

(c) Lead differential.

(A) An employee may receive a one-step lead differential when an appointing authority assigns lead work or team leader duties to that employee for a period of 10 or more consecutive work days. The appointing authority shall consult with the Human Resources Director prior to authorizing such payment.

(B) Lead differential does not apply to employees whose classifications normally include lead work or team leader duties, or to voluntary training or developmental assignments.

(C) Payment of a lead differential must be designated for a specific lead work or team leader assignment, project or time period as determined by the appointing authority. The employee must be paid for the full period during which the duties are assigned.

(D) When an employee who is receiving a lead differential is temporarily assigned to perform work that qualifies for a work out of class differential, the appointing authority may continue the lead differential for the duration of the work out of class assignment for up to one year.

(E) While this differential is normally one step, the appointing authority may determine that two steps are warranted when the lead work assignment is significantly larger as a result of factors including, but not limited to:

- (i) The number of employees led.
- (ii) The number of work units led.
- (iii) The complexity of, or differences between, the work unit or units led.
- (iv) The number of geographic locations in which the employee is leading

staff.

(F) The appointing authority shall document and retain the reasons for granting a two-step lead differential.

(G) As used in this paragraph, "lead work or team leader duties" includes duties where, on a recurring or daily basis, the employee has been assigned the responsibility to perform substantially all of the following functions:

- (i) Training or orienting new employees.
- (ii) Assigning and reassigning tasks to other employees.
- (iii) Giving direction to other employees concerning day-to-day work

procedures.

(iv) Communicating established standards of performance to affected employees.

(v) Reviewing the work of other employees to ensure conformance to established standards.

(vi) Providing informal assessment of employees' performance to the supervisor.

(d) On-call differential.

(A) When an overtime-eligible employee is required to work times other than the employee's regular, flexible or irregular work schedule in order to perform work before the employee's next regularly scheduled work day, the employee must be compensated with an on-call duty differential.

(B) An overtime-eligible employee who is on-call and available for work need not be subject to restrictions that prevent the employee from using on-call time for the employee's own purposes, but must be available, within 60 minutes of being requested, to consult by telephone or to report promptly for work. On-call duty differential pay may not be applied to base pay rates for computation of pay during leave with pay.

(C) An on-call employee who returns to work when requested shall be paid the on-call differential for a minimum of two hours at the rate of time and one-half. Additional time worked is paid on an hourly basis for each hour or major portion of an hour worked at the rate of time and one-half. As used in this subparagraph, "major portion of an hour" means 30 minutes or more.

(D) On-call duty differential does not apply to employees working in overtime situations or whose flexible or irregular work schedule falls between 5 p.m. and 8 a.m. or on weekends.

(e) The presiding officers may establish any other differential, in addition to those listed above, determined by the presiding officers to be necessary.

(17) Call back.

(a) An overtime-eligible employee who has been released from duty and who must return to the work site to perform work before the employee's next regularly scheduled work day shall be compensated for a minimum of two hours of work. The work may be performed:

(A) At the employee's work site.

(B) At a work site other than the employee's official work site.

(b) Time worked that is a continuation of or immediately preceding an overtime-eligible employee's normal work schedule, that is scheduled in advance or that does not require the employee to physically travel to a work site does not constitute call back. An employee may be called back only by the appointing authority or by the employee's immediate supervisor.

(c) A full-time overtime-eligible employee shall be compensated for call back time in excess of 40 hours in a work week in accordance with subsections (7) to (9) of this rule. A part-time overtime-eligible employee shall be compensated for call back time at straight time and shall be paid at the hourly rate equivalent to the employee's current salary. If a part-time employee's call back time, when combined with the employee's regular hours worked in a work week, exceeds 40 hours, the work in excess of 40 hours shall be compensated in accordance with subsections (7) to (9) of this rule.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 5: Equal Employment Opportunity

APPLICABILITY: This rule applies to all members of the Legislative Assembly and all Legislative Branch employees.

(1) It is the policy of the Legislative Assembly to provide fair and equal employment opportunity. The Legislative Assembly strives to provide and achieve a workforce that represents the diversity of the State of Oregon. Therefore, legislative agencies shall ensure that:

(a) Equal employment opportunities are afforded to all applicants and employees by making employment-related decisions that are nondiscriminatory. As used in this subsection, “employment-related decisions” includes, but is not limited to, hiring, promotion, demotion, transfer, termination of employment, layoff, training, compensation, benefits and performance evaluations.

(b) Employment practices are consistent with state and federal laws and:

(A) Promote good faith efforts to achieve a more diverse workforce, which include, but are not limited to, hiring persons with disabilities.

(B) Develop diverse applicant pools for position vacancies and assess the diversity of an applicant pool prior to closing a position vacancy announcement. Diverse applicant pools must be developed by using outreach strategies, which include but are not limited to using targeted professional organizations, employee networks, community organizations and résumé banks.

(c) All recruitment, hiring, training, promotions and transfers, and administration of all personnel policies, procedures, practices, programs and services are conducted or administered without regard to:

(A) Race, color, religion, national origin, sex, age, marital status, mental or physical disability or sexual orientation.

(B) Political affiliation, except that the political affiliation of a person applying for employment with or who is employed by a member of the Legislative Assembly on the member’s personal staff, the leadership offices or the caucus offices may be considered when making employment-related decisions.

(2) Employee Services shall participate in an automated affirmative action tracking system.

(3) Discrimination in the workplace due to race, color, religion, national origin, sex, age, marital status, mental or physical disability or sexual orientation is a form of harassment. An employee who believes the employee has been a victim of discrimination in the workplace may seek redress under LBPR 27 (Harassment-Free Workplace).

(4) Nothing in this rule precludes any person from pursuing administrative remedies with the Bureau of Labor and Industries or the federal Equal Employment Opportunity Commission.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 5A: Americans with Disabilities Act

APPLICABILITY: This rule applies to all members of the Legislative Assembly and all Legislative Branch employees.

(1) The Legislative Branch shall continue to seek ways to provide universal access to physical areas within the Capitol and to provide equal opportunity for access to employment information, programs and services of the Legislative Branch according to the provisions of the Americans with Disabilities Act (ADA). In support of this effort, the Legislative Branch shall:

(a) Identify and support an ADA coordinator who will complete an ADA self-evaluation of policies and procedures and manage ADA compliance within the Capitol.

(b) Identify programmatic barriers that limit the accessibility of programs, activities, services or employment to individuals with disabilities.

(c) Provide employment-related informational materials in multiple formats when requested.

(d) Manage and document requests for accommodation.

(e) Manage an ADA complaint and grievance procedure.

(f) Provide a notice to participants, applicants and employees regarding the rights and protections afforded by Title II of the ADA (42 U.S.C. 12131 to 12165).

(g) Provide equally effective communication to individuals with disabilities via telephone.

(2) Nothing in this rule precludes any person from pursuing administrative remedies with the Bureau of Labor and Industries or the federal Equal Employment Opportunity Commission.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 6: Recruitment and Selection

APPLICABILITY: This rule applies to all legislative agencies and parliamentary offices, except that it does not apply to limited duration status employees and temporary status employees.

(1) **Purpose.** The purpose of the recruitment and selection process is to ensure that all positions are filled by qualified, competent individuals who are well-suited to do the work for which they are employed. Individuals selected by any of the methods specified in these rules must meet the minimum qualifications for the class of work to which an appointment is made.

(2) **Methods for recruiting and filling vacancies.**

(a) Upon deciding to fill a vacancy, the appointing authority shall notify Employee Services of the action to be taken.

(b) An appointing authority may fill a position through any of the following methods:

(A) Open competitive recruitment, in which any Legislative Branch employee or member of the public may apply for the position.

(B) Legislative Branch limited internal recruitment, in which only current Legislative Branch employees, including limited duration status employees and temporary status employees, may apply for the position.

(C) Direct appointment, in which the appointing authority may appoint an applicant to a vacant position based on the applicant meeting the minimum qualifications established for the position.

(c) Underfill appointments may occur for the following reasons:

(A) Developmental. After consultation with the Human Resources Director, an appointing authority may underfill a position for developmental reasons, such as gaining the necessary length of experience by time on the job. Recruitment for the underfill opportunity shall be conducted in accordance with this rule. The length of the underfill and requirements to satisfactorily complete the developmental experience shall be documented prior to the appointment. When the employee, as determined by the appointing authority, satisfactorily completes the underfill requirements, the employee shall be reclassified to the level required for the position and shall receive an increase in pay in accordance with LBPR 4.

(B) Administrative need. An appointing authority may underfill a position if, due to organizational changes, the budgeted level of a position is higher than organizational needs require. The position may be filled at the lower level classification using any method listed in this rule.

(3) **Job announcements.**

(a) Recruitment announcements are required for all job vacancies being filled by open competitive or limited internal recruiting methods.

(b) The required content of a recruitment announcement may be defined or refined beyond the required content as expressed in a classification specification or position description to more fully reflect the specific requirements of a position.

(c) An announcement issued for a job vacancy must include the following:

(A) Class title;

(B) Salary range;

(C) Location;

(D) Type of recruitment;

(E) Nature of the assigned work;

(F) Qualifications required of the applicant;

(G) Manner in which application is to be made;

(H) Notification that a criminal records check may be part of the selection process, only when a criminal records check is part of the selection process; and

(I) Any special working conditions that apply.

(d) Appointing authorities shall ensure that announcements issued for job vacancies are posted in a manner accessible to all employees. Announcements for vacancies being filled through open competitive recruitment must be posted in a manner accessible to the public.

(e) Announcements issued for job vacancies being filled through open competitive recruitment must be posted and applications accepted for a minimum of 14 calendar days. A limited internal recruitment announcement need only be posted for a minimum of seven days.

(4) Selection process for open competitive and limited internal recruitments.

(a) When an announcement is issued for open competitive or limited internal recruitment as described in subsection (2)(b) of this rule, the appointing authority is responsible for reviewing and selecting applicants in compliance with Legislative Branch Personnel Rules and procedures.

(b) Employee Services is responsible for determining which applicants meet the minimum qualifications for a position in Legislative Administration. Applications for positions in other legislative agencies or parliamentary offices shall be forwarded to those agencies or offices for evaluation. Applications for positions in Information Services may be evaluated by Information Services professionals.

(c) Evaluation of all applicants must be based on the qualifications of the applicant and the applicant's responses to supplemental questions, if any, in the announcement.

(d) All applicants who are not selected shall be notified by Employee Services no later than 10 business days after the selected applicant's acceptance of the position. In the event that the decision is made not to fill a position for which recruitment has been announced, Employee Services shall notify the applicants no later than 10 business days after the date on which such a decision was made.

(e) Upon written request of a veteran applicant, Employee Services shall provide to the veteran applicant the reason(s) that the applicant was not selected.

(5) Veterans' Preference. Consistent with ORS 408.230 and the rules adopted by the Bureau of Labor and Industries, veterans' preference will be applied when one or more qualified disabled or nondisabled veterans apply for a vacancy for which the recruitment method used by the appointing authority is a competitive process involving application screening or scoring, interviews or any other form of examination.

(6) Documentation of hiring decision. The appointing authority shall, in accordance with the Legislative Branch document retention schedule, retain all selection and evaluation materials either electronically or in hard copy, including:

- (a) Application screening summaries;
- (b) The screening criteria used;
- (c) All applications received;
- (d) Names of applicants interviewed;
- (e) Interview questions used;
- (f) Interview notes;
- (g) Notes from reference checks;
- (h) The name of the applicant selected; and
- (i) Other information as required by Legislative Branch policy statements.

(7) Confirmation and acceptance of appointment.

(a) When a position is filled, the appointing authority shall notify Employee Services of the appointment by completing a personnel action form and forwarding the form and the offer letter, once accepted and signed by the applicant, to Employee Services.

(b) Employee Services shall confirm in writing the offer of employment to the selected applicant. An applicant who reports for work at the scheduled time and location shall be considered to have accepted the terms and conditions offered. An applicant who fails to report for work at the scheduled time and location declines the appointment

(8) Initial probationary period.

(a) The initial probationary period is used for observing and evaluating an employee's work.

(b) If, during the initial probationary period, the appointing authority determines that the employee is unwilling or unable to satisfactorily fulfill the requirements of the position, the employee shall be removed from employment.

(c) If an employee changes appointing authorities as a result of a promotion and the new appointing authority determines during the promotional probationary period that the employee is unwilling or unable to satisfactorily fulfill the requirements of the new position, the employee may return to the previous appointing authority in a position in the same class as the position in which the employee was previously employed, if available.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 7: [Reserved]

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 8: [Reserved]

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 9: Corrective Action and Discharge

APPLICABILITY: Subsection (1) of this rule applies to all Legislative Branch employees who are not members of the Legislative Assembly. Subsection (2) of this rule applies to all employees of legislative agencies and parliamentary offices, except that subsection (2) of this rule does not apply to initial probationary status employees, limited duration status employees or temporary status employees.

(1) **At-will employment status.** Under ORS 240.200, all employees of the Legislative Branch are in the exempt service. By this classification, legislative employees are in the employment category of at-will employment. As a result, the following apply:

(a) Employees may be terminated at the discretion of the appointing authority or designee.

(b) Nothing in the branch rules or policies is intended to:

(A) Create any type of employment contract, whether express or implied;

(B) Provide any type of cause standard for evaluation of continued employment;

or

(C) Give employees the right to be employed for any specific period of time.

(c) Notwithstanding an employee's at-will employment status, corrective action may be taken as a mechanism for notifying continuing employees of performance deficiencies with an opportunity to make correction.

(d) A rule or policy may not be construed as setting forth procedural or substantive provisions that entitle an employee to continued employment.

(2) **Corrective action.**

(a) While Legislative Branch employment is at-will, each appointing authority shall strive to provide employees, through corrective action, the opportunity to mitigate conduct, performance or behavior that may interfere with the accomplishment of the goals and objectives of the Legislative Branch. This manner of addressing conduct is within the discretion of the appointing authority or designee. As part of corrective action the employee shall be provided written notice of the conduct that is of concern.

(b) The purpose of corrective action, except for dismissal, is to provide guidance and assistance to the employee in correcting improper conduct or unsatisfactory performance.

(c) Corrective action steps may include:

(A) Sanctions, which may be monetary or nonmonetary, must be in writing, and may include but are not limited to a reprimand, a salary reduction, a suspension with or without pay or a demotion.

(B) Warnings or reprimands, which may be given orally or in written form.

(C) Placing the employee on a work plan, which may be initiated to address future performance or behavior expectations and identify criteria to measure successful

accomplishment. A work plan may be developed at any time and may be instituted in conjunction with warnings or sanctions. The work plan must be in written form and contain:

(i) An itemization of performance or behavior deficiencies requiring improvement.

(ii) Criteria that will demonstrate the necessary improvement.

(iii) Dates for periodic meetings to discuss progress or need for additional improvement.

(iv) An end date for the work plan, at which time sustained improvement is expected.

(D) An employee who is subject to corrective action may submit a written response, to be included in the employee's personnel file, no later than 15 days after the corrective action is taken. The written response may be given to the employee's supervisor or the employee's appointing authority. The supervisor or appointing authority shall provide a copy of the written response to Employee Services. Employee Services shall place the written response in the employee's personnel file.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 10: Travel Expense Reimbursement

APPLICABILITY: This rule applies to all employees of the Legislative Branch, except that this rule does not apply to members of the Legislative Assembly.

(1) **Policy.** A legislative employee engaged in official legislative business shall be reimbursed as provided in this rule for travel expenses incurred during a period of official travel within or outside the State of Oregon. Personal expenses and expenses for travel to places of entertainment are not reimbursable. It is the policy of the Legislative Branch to encourage the prudent use of limited state resources when engaged in travel on official legislative business.

(2) **Definitions.** As used in this rule:

(a) “Authorized travel” means travel approved by the employee’s supervisor or appointing authority that is related but not essential to the performance of the employee’s duties.

(b) “Period of official travel” means the period during which an employee is away from the employee’s official worksite due to authorized or required travel. A period of official travel begins at the time of departure from the worksite and ends at the time of return to the worksite or the employee’s home if the period of travel ends later than scheduled work time.

(c) “Required travel” means travel approved by the employee’s supervisor or appointing authority that is essential to the performance of the employee’s duties.

(3) **Meal expenses.** If evidenced by receipts, customary and reasonable meal expenses shall be reimbursed for actual costs for employees on required travel and may be reimbursed for employees on authorized travel. Gratuities, not exceeding 15 percent of the cost of the meal, shall be considered part of the actual cost of a meal. Gratuities may not be separately reimbursed. The cost of alcoholic beverages is not reimbursable.

(4) **Lodging expenses.** If evidenced by receipts, customary and reasonable lodging expenses shall be reimbursed for actual costs for employees on required travel and may be reimbursed for employees on authorized travel. When reserving or obtaining lodging during a period of official travel, an employee shall request the state government rate or attempt to obtain a special lodging rate.

(5) **Transportation expenses.**

(a) Travel in private vehicle. During a period of official travel, an employee may use a private vehicle when transportation by common carrier or state vehicle is not feasible or is more costly. An employee on required travel shall be, and an employee on authorized travel may be, reimbursed for transportation expenses in a private vehicle at the rate established and regulated by the Oregon Department of Administrative Services for the use of a privately-owned motor vehicle on official or state business. However, an employee may not be reimbursed for

transportation in a private vehicle between the employee's place of residence and the employee's official worksite.

(b) Travel by air carrier. In addition to reimbursement for air carrier costs, reimbursement for mileage to and from the air terminal normally used for departure may be allowed. However, if the employee combines personal travel with authorized or required travel, reimbursement shall be made only for expenses incurred during the period of official travel. Reimbursement may not be made for expenses incurred during days of personal travel.

(c) Combined personal and official travel. When an employee combines work-related travel with a holiday, weekend trip, vacation or other personal travel, if the travel is outside the State of Oregon and between points where scheduled airline service is available, and if reimbursement of transportation expenses has been approved by the employee's supervisor or appointing authority, the employee shall be reimbursed for the cost of round-trip coach airfare and for meal and lodging expenses to which the employee would have been entitled for authorized or required travel.

(d) Telephone and data expenses. When evidenced by receipts, the actual cost of reasonable telephone calls and use of technology for data transmission or receipt made by an employee during a period of official travel shall be reimbursed. However, expenses for phone calls, electronic mail or other electronic data transmissions made by an employee on a personal cell phone or other personal electronic device are not reimbursable.

(e) Expenses under \$10. All other travel expenses are reimbursed based on the actual amount of expense incurred by the employee. Receipts are required for all travel expenses greater than \$10.00.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 11: [Reserved]

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 12: Resignation or Retirement

APPLICABILITY: This rule applies to all employees of the Legislative Branch. This rule does not apply to members of the Legislative Assembly.

(1) **Notice of resignation or retirement.** An employee who is resigning or retiring shall file written notice with the employee's appointing authority stating the effective date and time of the resignation or retirement.

(2) **Notification to employee services.** Upon notification from an employee of a pending resignation or retirement, the employee's appointing authority shall notify Employee Services before the effective date of the resignation or retirement.

(3) **Job abandonment.**

(a) An employee who fails to report to work for five or more consecutive work days and fails to contact the employee's appointing authority, immediate supervisor or a staff member of Employee Services may, at the discretion of the appointing authority, be deemed to have abandoned the employee's job and will be treated as having voluntarily resigned.

(b) If the appointing authority deems that the employee has abandoned the employee's job, the appointing authority shall notify the employee in writing by mailing notice to the employee's address on record with Employee Services, and give the employee the opportunity to present extenuating circumstances for not reporting for work or contacting the appointing authority.

(c) If the appointing authority determines that sufficient extenuating circumstances exist to excuse the employee's absence, the absence may be covered by a subsequent grant of accrued leave or leave without pay.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 13: Assignment of Work Schedules and Breaks

APPLICABILITY: This rule applies to all employees of the Legislative Branch. This rule does not apply to members of the Legislative Assembly.

(1) **Authority.** An employee's appointing authority may assign or reassign job duties, work location or work schedule to the employee at any time.

(2) **Legislative Branch work week.** The work week for all Legislative Branch employees begins at one second after midnight Sunday and ends at midnight the following Saturday.

(3) **Breaks.**

(a) Overtime-eligible employees are entitled to meal periods, rest breaks and breaks for the expression of milk as specified in ORS 653.077 and 653.261 and in the rules adopted by the Bureau of Labor and Industries.

(b) Employees who are paid on a salaried basis are engaged in administrative, executive or professional work and are not statutorily entitled to meal periods or rest breaks. However, the salary of a non-overtime-eligible employee may not be reduced for periods during the work day when the employee is not performing work duties. Non-overtime-eligible employees are expected to work whatever hours are necessary to accomplish the tasks required by the position. Non-overtime-eligible employees therefore may take breaks at any convenient time approved by the employee's supervisor.

(c) Non-overtime-eligible employees are entitled to breaks for the expression of milk, as provided in ORS 653.077.

(d) The time at which meal periods and rest breaks are taken is subject to the approval of an employee's supervisor.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 14: Vacation Leave

APPLICABILITY: This rule applies to all employees of the Legislative Branch, except for temporary status employees, members of the Legislative Assembly and session-only status employees. Subsection (8) of this rule does not apply to personal staff.

(1) Monthly accrual.

(a) Full-time employees. A full-time employee shall accrue vacation leave at a rate based on each full calendar month for which the employee has been employed in accordance with the following schedule and based on the employee's recognized service date:

Duration of employment	Vacation leave accrued per month	Total annual vacation leave accrual
First month through 60th month	10.00 hours	120 hours (15 days)
61st month through 120th month	11.34 hours	136 hours (17 days)
121st month through 180th month	13.34 hours	160 hours (20 days)
181st month through 240th month	15.34 hours	184 hours (23 days)
241st month through 300th month	17.34 hours	208 hours (26 days)
After 300th month	19.34 hours	232 hours (29 days)

(b) Part-time employees. Part-time employees shall earn vacation leave on a prorated basis. If the employee is paid on an hourly basis, vacation leave shall be prorated using the number of available work hours, based on the employee's schedule, in that month. If the employee is paid on a salaried basis, vacation leave shall be prorated on the basis of the percentage of work days in the month that the employee worked.

(c) Initial probationary period service employees. During the initial probationary period, employees are eligible to accrue vacation leave.

(d) Crediting of vacation. Vacation leave shall be credited to an employee on the first day of the calendar month following the calendar month in which it was earned. When a session-only status employee is hired on as a continuing employee directly following a legislative session, vacation leave shall be credited for time worked during the legislative session.

(e) Partial month accrual. Vacation leave accrual for an employee working less than a full calendar month in a pay period due to hire, termination or leave without pay shall be computed on a prorated basis. If the employee is paid on an hourly basis, vacation leave shall be prorated using the number of available work hours, based on the employee's schedule, in that month. If the employee is paid on a salaried basis, vacation leave shall be prorated on the basis of the percentage of work days in the month that the employee worked.

(f) Restoration of vacation accrual rate upon rehire. An employee who separates from and returns to legislative service within two years of the employee's separation date may be given

credit toward additional vacation accrual rates for service prior to separation. Vacation leave hours accrued in the Legislative Branch shall be restored in accordance with ORS 173.005.

(2) **Maximum accumulation.** An employee may accrue a maximum of 350 hours of vacation leave. An employee who accrues 350 hours must take vacation leave by the end of the month during which the employee's vacation leave accrual exceeds 350 hours or forfeit payment for, or use of, additional hours earned that would cause the employee's vacation leave balance to exceed 350 hours.

(3) **Scheduling of vacation leave.** Unless otherwise protected by law, rule or Legislative Branch policy, the time during which an employee may take vacation leave shall be subject to the approval of the employee's supervisor with due regard to the employee and the needs of the Legislative Branch.

(4) **Illness during vacation leave.** When an employee is on vacation and circumstances arise that would qualify the employee to use accrued sick leave, the employee may use, with supervisory approval and in accordance with LBPR 16 (5)(b), accrued sick leave instead of vacation leave.

(5) **Effect of movement between legislative agencies or offices.**

(a) When an employee transfers, is promoted or is demoted from one employer to another within the Legislative Branch, all of the employee's accrued vacation leave shall also be transferred.

(b) Notwithstanding paragraph (a) of this subsection, when an employee transfers, is promoted or is demoted from an employer within the Legislative Branch to a leadership office or a caucus office, a maximum of 80 hours of accrued vacation leave shall be transferred, except that more hours may be transferred at the discretion of the appointing authority in the leadership office or caucus office receiving the employee.

(6) **Employees hired from a State of Oregon agency.** When an employee from another branch of state government is employed by the Legislative Branch without a break in service, a maximum of 80 hours of accrued vacation leave shall be transferred, except that more hours may be transferred at the discretion of the appointing authority in the Legislative Branch. The employee's recognized service date shall be used to determine the monthly vacation accrual rate.

(7) **Vacation pay upon termination.**

(a) Upon termination that occurs before January 1, 2014, an employee, or, in the case of the death of the employee, an employee's beneficiary or estate, shall be compensated for up to 300 hours of unused vacation leave. Upon termination that occurs on or after January 1, 2014, an employee, or, in the case of the death of the employee, an employee's beneficiary or estate, shall be compensated for up to 250 hours of unused vacation leave.

(b)(A) If the employee leaves to accept another position in another branch of state government, the employee can request transfer of all or a portion of the employee's accrued vacation leave with the approval of the new agency. Any vacation leave liability shall be deducted from the maximum hours available for compensation, as set forth in paragraph (a) of this subsection.

(B) The rate of pay for vacation leave shall be the employee's current rate of pay at the time of termination, including all differentials the employee is being paid under LBPR 4 (16), except shift differential. If, at the time of termination, an employee holds more than one position, each with a different rate of pay, the distribution between rates shall be as determined by the appointing authority or appointing authorities.

(8) Payment for vacation leave in lieu of time off.

(a) Eligibility. A full-time or part-time employee who has accumulated 250 hours or more of vacation leave may request to be paid for up to a maximum of 60 hours vacation leave in lieu of time off per calendar year provided the employee has taken a combined total of at least 40 hours of vacation, administrative, compensatory or personal leave during the last 12 calendar months. To be eligible for receipt of payment for vacation leave, an employee must be unable to take vacation leave due to the demands of the legislative schedule. The approval to pay vacation leave is:

(A) In the case of the person receiving payment being an agency head, at the discretion of both presiding officers.

(B) In the case of the person receiving payment being a parliamentarian, leadership office staff member or caucus office staff member, at the discretion of the presiding officer of the chamber in which the person receiving payment serves.

(C) In all other instances, at the discretion of the appointing authority.

(b) Available funds. A decision to approve the payment of vacation leave is subject to available funds in the appropriate Legislative Branch budget.

(c) Request and approval. To request payment for vacation leave in lieu of time off, an employee shall submit a Request for Payment for Vacation Leave in Lieu of Time Off form, which shall be made available on the Legislative Intranet, to the appointing authority. The decision of the appointing authority to grant or deny the request is final and may not be appealed. Within 15 calendar days of receipt of a request for payment for vacation leave in lieu of time off, the appointing authority shall:

(A) Return the request to the employee noting whether the request has been approved, denied or approved with modifications; and

(B) Provide a copy of the request, if approved, to Employee Services.

(d) Rate of compensation. The rate of compensation for payment for vacation leave in lieu of time off shall be at the employee's current rate of pay at the time the request is submitted to the appointing authority, including all differentials the employee is being paid under LBPR 4 (16), except shift differential.

(9) Donation of vacation leave for sick leave purposes.

(a) A Legislative Branch employee may voluntarily donate accrued vacation leave in full-hour increments to another nontemporary Legislative Branch employee, provided the employee to whom the leave is to be donated:

(A) Is absent due to family or medical leave authorized under LBPR 15;

(B) Has exhausted all available paid leave; and

(C) Is not eligible for or receiving workers' compensation benefits.

(b) Unused donated leave shall be retained by the employee who receives the leave.

(c) All requests from the receiving employee and the donating employee must be in writing.

(d) No transfer of funds may occur between agency budgets when vacation leave is donated under this subsection.

(10) Donation of vacation leave for military leave purposes.

(a) A Legislative Branch employee may voluntarily donate accrued vacation leave in full-hour increments to another Legislative Branch employee, provided the employee to whom the leave is to be donated:

(A) Is not in a limited duration status or temporary status;

(B) Is on leave without pay to perform active military duty, whether voluntarily or involuntarily ordered;

(C) Has exhausted all accrued vacation leave;

(D) Receives less total gross military compensation, including allowances or special pay, while on active duty status than the gross pay (including differentials and annual average overtime pay, if any, for the employee's classification) received as a Legislative Branch employee at the time the military leave without pay began;

(E) Provides verification of all military compensation received for the month in which donated leave is to be used; and

(F) Has the approval of the appointing authority to receive donated leave.

(b) A Legislative Branch employee is ineligible to receive donated leave under this rule if the employee is on paid military training duty or has been released from active duty but has not yet reported back to work.

(c) A Legislative Branch employee may receive donated leave under this rule in an amount that does not exceed the positive amount determined when the employee's military compensation for a month is subtracted from the compensation received as a Legislative Branch employee for the last full month of Legislative Branch employment performed prior to the beginning of the employee's military service.

(d) Donated vacation leave shall be transferred to the receiving employee's vacation leave and treated as taken in the month of receipt, to the extent that the amount taken does not exceed the limit established under paragraph (c) of this subsection.

(e) Unused donated leave shall be retained by the receiving employee.

(f) No transfer of funds shall occur between budgets when vacation leave is donated under this subsection.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 15: Family and Medical Leave

APPLICABILITY: This rule applies to all employees of the Legislative Branch. This rule does not apply to members of the Legislative Assembly, except as provided in subsection (9)(b) of this rule.

(1) **FMLA and OFLA information.** Information about the requirements for eligibility and the length of leave authorized under the federal Family and Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA) is available from Employee Services. Employees are encouraged to contact Employee Services for detailed information and for assistance in requesting family and medical leave. Detailed information about FMLA and OFLA may also be obtained from the Bureau of Labor and Industries (www.oregon.gov/BOLI).

(2) **Policy.** It is the policy of the Legislative Branch to provide leave to its employees so that employees can meet family health and parental obligations and address their own serious health conditions while maintaining a durable link to their jobs. The Legislative Branch provides leave to employees in accordance with FMLA and OFLA. FMLA and OFLA leave for eligible employees shall be granted if requested. Federal and state law prohibit retaliating against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used any type of FMLA or OFLA leave. Application of the provisions of FMLA and OFLA may vary based on individual circumstances. The applicability of federal or state law is considered on a case-by-case basis.

(3) **Notice to employee.** Each agency head or parliamentarian shall ensure that their employees are aware of, and are granted, entitlements for taking family and medical leave, in accordance with provisions of FMLA and OFLA. The Human Resources Director shall similarly ensure that leadership office staff, caucus office staff and personal staff are aware of, and are granted, entitlements for taking family and medical leave, in accordance with the provisions of FMLA and OFLA. An agency head, parliamentarian or designee shall inform employees about the provisions of FMLA and OFLA by actions that include, but are not limited to:

(a) Posting official notices in the workplace in accordance with the provisions of FMLA and OFLA;

(b) Including information about family and medical leave in new employee orientation materials; and

(c) Posting information about family and medical leave entitlements under FMLA and OFLA on the Legislative Intranet.

(4) **Type of Family and Medical Leave.** When an employee requests family and medical leave, the Human Resources Director or designee shall compare the leave provisions of FMLA and OFLA to determine which Act is the most generous. FMLA law controls unless OFLA provides more generous leave provisions for the employee. In all cases, the Human Resources Director or

designee shall give the employee the benefit of the more generous leave provisions. When leave is authorized under FMLA and OFLA, the leave shall be designated as FMLA-qualifying and shall simultaneously exhaust both FMLA and OFLA leave entitlement.

(5) **Use of accrued leave.** The use of accrued leave is not required while on approved leave under FMLA or OFLA. The employee may elect the type of accrued leave to be used during family or medical leave. Although an employee may not be required to use accrued compensatory time while on FMLA or OFLA leave, the employee may choose to use accrued compensatory time while on FMLA or OFLA leave. However, the use of compensatory time may not be counted against the employee's 12-week leave entitlement under FMLA or OFLA.

(6) **Family and Medical Leave and workers' compensation.** An employee's 12-week leave entitlement under FMLA or OFLA runs concurrently with any employee absence that results from a workers' compensation claim.

(7) **Calculation of leave.** For purposes of determining an employee's remaining FMLA and OFLA leave entitlement, a rolling-backward period shall be used. As used in this subsection, "rolling-backward period" means a rolling 12-month period measured backward from the date on which an employee proposes to use leave under FMLA and OFLA. For example, at the time the employee takes leave, if eight weeks have been taken in the past 12 months, an additional four weeks of leave may be taken.

(8) **Notice to employer.** An employee shall provide at least 15 calendar days' notice of a planned absence under this rule. When a medical emergency or other unforeseeable event occurs, the employee shall contact the appointing authority or designee as soon as practicable, but not later than three days from date of the occurrence.

(9) **Process for requesting and receiving Family and Medical Leave.**

(a) Each agency head and parliamentarian, or their designee, shall develop and administer a process for eligible employees to request and receive leave under this rule. Upon receipt of an employee's request for leave, the agency head, parliamentarian or designee shall provide the employee with a written notice of eligibility that includes:

(A) A designation of the FMLA or OFLA entitlements applicable to the request for leave and a statement that leave taken counts against the applicable leave entitlements.

(B) Applicable medical certification requirements and the consequences for not providing such information when requested.

(C) Notification that an employee may elect to use accrued leave or may use unpaid leave, depending on the employee's individual circumstances in accordance with subsections (4) and (5) of this rule.

(D) Notification that employer health care contributions will continue if the leave has been designated as FMLA. The agency head or designee shall advise the employee of the employee's liability to reimburse the Legislative Branch for health care contributions if the employee fails to return from leave, in accordance with the provisions of FMLA.

(E) Notification that when the leave is qualifying only under OFLA, employer health care contributions continue only if the employee uses accrued paid leave. If an employee qualifying only under OFLA goes on leave without pay, employer health care contributions terminate and the employee may elect to continue health care coverage at the employee's own

expense under the provisions of the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272) (“COBRA”).

(F) An explanation of the employee’s return rights in accordance with provisions contained in the designated family and medical leave law.

(b) The Human Resources Director shall assist members of the Legislative Assembly, leadership offices and caucus offices in complying with the requirements of FMLA and OFLA, including procedures under which employees of leadership offices, caucus offices or member offices may request and receive FMLA and OFLA leave.

(10) Family and Medical Leave Act and Oregon Family Leave Act recordkeeping. Each agency head or parliamentarian, or a designee of the agency head or parliamentarian, shall maintain records detailing leave taken by employees under and compliance with FMLA and OFLA. Such records shall be maintained in compliance with the requirements of applicable state and federal law.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 16: Sick Leave

APPLICABILITY: This rule applies to all employees of the Legislative Branch, except that this rule does not apply to temporary status employees. This rule also does not apply to members of the Legislative Assembly.

(1) Monthly accrual.

(a) Full-time employees. Full-time employees accrue sick leave at the rate of eight hours for each full calendar month employed.

(b) Part-time employees. Sick leave accrual for part-time employees is computed on a prorated basis using the number of available work hours, based on the employee's schedule, in that month.

(c) Probationary period employees. During a probationary period, employees are eligible to accrue and use sick leave.

(d) Crediting sick leave. Sick leave is credited to an employee on the first day of the calendar month following the calendar month in which the leave was earned.

(e) Partial month accrual. Sick leave accrual for an employee working less than a full calendar month in a pay period due to hire, termination or leave without pay is computed on a prorated basis using the number of available work hours, based on the employee's schedule, in that month.

(2) Maximum accumulation. Sick leave accrues without limitation.

(3) Notification.

(a) It is the employee's responsibility to notify the employee's immediate supervisor of the need to use sick leave. If the employee's absence is unanticipated, the employee shall contact the immediate supervisor at the beginning of each missed day's regularly scheduled work time unless other arrangements have been approved by the supervisor. If the employee's absence is prescheduled, the employee shall notify the supervisor of the need for leave as far in advance as possible.

(b) In emergency situations, the employee or the employee's representative shall contact the supervisor as soon as possible during the 24-hour period immediately following the employee's failure to report to work without giving notice to the supervisor of the employee's absence due to being on sick leave.

(4) Holiday during sick leave. If a holiday occurs while an employee is on sick leave, the holiday is not deducted from the employee's accrued sick leave.

(5) Use of accrued sick leave.

(a) Qualifying absence. An employee may use accrued sick leave with pay for personal illness, a family member's illness, medical or dental care, injury or death or any period of absence from employment that qualifies as family and medical leave under LBPR 15.

(b) Illness during vacation. When an employee is on vacation and circumstances arise that would qualify the employee to use accrued sick leave, the employee may do so with supervisory approval and in accordance with this rule.

(6) Use of other leave in lieu of sick leave or when sick leave is exhausted.

(a) Personal business, vacation or any other types of leaves available to an employee may be used for absences that qualify for sick leave.

(b) Use of leave without pay. Leave without pay may not be granted until all other available paid leave is exhausted. However, an employee who is absent due to family or medical leave under LBPR 15 shall be allowed to use leave without pay if the employee so elects. An employee may elect to receive leave without pay while receiving disability income. A supervisor may require the employee to provide evidence of such disability benefit.

(7) Medical verification.

(a) Need to be absent. Unless otherwise limited by state or federal law, the appointing authority may, at any time, require the employee to submit substantiating evidence for the use of sick leave. This evidence includes, but is not limited to, a health care provider's certificate. If the appointing authority does not find the evidence adequate, the appointing authority may deny the request for sick leave.

(b) Ability to return to work. An appointing authority may require that an employee who is returning from a paid or unpaid leave of absence, before being allowed to return to work, present verification from the employee's health care provider of the employee's ability to return to work when:

(A) The employee was absent for more than five consecutive work days as a result of the employee's own illness or injury; or

(B) The employee was hospitalized as an in-patient.

(c) An appointing authority may require an employee returning from a paid or unpaid leave of absence to provide information about the limitations, if any, on the employee's ability to perform the employee's job. Unless otherwise required by state or federal law, an appointing authority may modify an employee's work assignment or schedule in response to the stated limitations for the purpose of meeting operational needs.

(d) Parental leave. An employee who is absent for parental leave reasons is not required to present verification of the ability to return to work.

(e) Workers' compensation. An employee who is absent as a result of an injury or illness incurred on the job for which a workers' compensation claim has been filed and who has sought medical treatment for the injury or illness must present verification from the employee's health care provider of the ability of the employee to return to work and any restrictions placed on the employee.

(f) Cost of obtaining certification. In the case of legislative agency or parliamentary office employees, the agency or office shall reimburse an employee for any out-of-pocket costs incurred in obtaining medical certification of the need to be absent or ability to return to work. In the case of all other legislative employees, the Legislative Assembly shall reimburse an employee for any out-of-pocket cost incurred in obtaining medical certification of the need to be absent or ability to return to work.

(8) Workers' compensation claims.

(a) Reporting requirements.

(A) An employee who is injured on the job or becomes ill because of the job shall immediately report the occurrence to the employee's supervisor.

(B) The employee's supervisor shall respond to this report by completing an Accident Incident Form and returning it to Employee Services.

(b) Use of leave.

(A) An employee who is absent because of a job-incurred injury or illness and who is receiving time loss payments for that absence may either take leave without pay or prorate the use of accrued sick leave as described in paragraph (c) of this subsection. An employee may also prorate the use of other available paid leave. Such leave may be requested in lieu of sick leave or when sick leave is exhausted.

(B) An employee who takes leave without pay receives no compensation other than the time loss payments authorized by the workers' compensation insurance carrier.

(C) An employee who is absent because of a job-incurred injury or illness and who is not receiving time loss payments for that absence may take leave in accordance with this rule.

(c) An employee who chooses to prorate the use of accrued leave shall do so by using, for every hour absent, one-third of one accrued leave hour and two-thirds of one hour of leave without pay. The amount of leave taken without pay must represent the amount of time loss compensation received.

(9) Effect of rehire. If a former Legislative Branch employee is hired into a Legislative Branch position that is not a temporary status or limited duration status position, within two years from the employee's date of separation, the employee's previously accrued and unused sick leave shall be restored.

(10) Effect of movement between legislative agencies. When an employee is transferred, promoted or demoted from one appointing authority to another within the Legislative Branch, all of the employee's accrued sick leave shall be transferred.

(11) Employees hired from a State of Oregon agency. If an employee from a State of Oregon agency is hired by the Legislative Branch in a position that is not a temporary status or limited duration status position, within two years of separation from the other state agency, the employee's previously accrued unused sick leave shall be transferred.

(12) Sick leave upon termination.

(a) There is no compensation for unused sick leave upon termination of employment. Unused sick leave is placed in the State's accrual clearing house for two years following the employee's termination of employment, available to be restored to the employee if the employee is reinstated within those two years.

(b) The Legislative Branch shall report unused sick leave to the Public Employees Retirement System (PERS). According to statute, sick leave, once reported by the employer to PERS for retirement purposes, is considered used and is therefore not subsequently available for restoration.

(13) **Use of donated vacation leave for sick leave purposes.** An employee may receive paid sick leave that has been converted from vacation leave donated by other employees. An employee receiving donated leave may use the leave only in accordance with this rule.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 17: Other Types of Leave

APPLICABILITY: This rule applies to all leadership offices, caucus offices, legislative agencies and parliamentary offices.

(1) Leave requests.

(a) All requests for paid leave granted by an agency or office subject to this rule shall be submitted in writing to Employee Services.

(b) Leave with pay may be granted at the discretion of appointing authority.

(2) Administrative leave.

(a) Any leave not classified as a specific type of leave such as vacation, sick leave, personal business, jury duty, military leave of absence or bereavement leave is designated as administrative leave.

(b) The appointing authority may grant administrative leave with pay each biennium to an employee who is ineligible for overtime compensation.

(c) When granted by an appointing authority, administrative leave must be used within one year after the date on which the leave is granted.

(d) Administrative leave is compensable only in the form of paid leave. No cash payment in lieu of paid leave may be made for administrative leave.

(e) The appointing authority and the employee who is granted administrative leave must mutually agree upon when the leave may be taken. The agency shall maintain records of the amount of administrative leave granted and used. Administrative leave taken in accordance with this rule is not charged to an employee's accrued vacation or other paid leave.

(3) Personal business leave.

(a) Personal business leave with pay for 24 hours is awarded each fiscal year and is not cumulative from year to year or compensable in any form other than leave.

(b) Personal business leave is granted to continuing, full-time employees after completion of six months of employment in the Legislative Branch.

(c) A part-time or job share employee is granted personal business leave on a prorated basis.

(d) Unused personal business leave is restored to employees who, within the same fiscal year, vacate and return to a position covered by the policy described in this rule and complete 1,040 hours of employment.

(e) Use of personal business leave is subject to approval by the employee's immediate supervisor.

(f) An employee may use personal business leave for any period of absence from employment qualifying as family and medical leave under LBPR 15.

(g) Personal business leave may not be accrued beyond one fiscal year, converted to vacation or sick leave or converted to cash remuneration.

(h) Personal leave not used by June 30 of each year is forfeited.

(4) Jury duty and witness leave.

(a) An employee who is summoned to jury duty for a state circuit court, municipal court or federal court on a day within the employee's regular work schedule shall receive normal pay for such service. The employee shall waive the juror fees normally paid.

(b) An employee who is subpoenaed to appear as a witness, other than as a party in the action, in a federal, state, municipal or justice court or other forum on a day within the employee's regular work schedule shall receive normal pay for such service.

(c) An employee shall receive no additional compensation (i.e., overtime) for juror or witness service that extends beyond an employee's regular work schedule.

(d) An employee who is summoned to serve as a juror or who is subpoenaed to appear as a witness on the employee's regularly scheduled day off may not receive pay for that day, but may keep any juror or witness fees paid.

(e) An employee may keep all mileage fees, and any authorized extraordinary expenses, paid to the employee for jury duty or for appearing as a witness.

(5) Military leave. An employee is entitled to leave for military service as provided in ORS 408.290 and under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 to 4335 ("USERRA").

(6) Bereavement leave.

(a) At the request of the employee, an appointing authority shall grant up to 24 hours or the equivalent of three full days of scheduled work for paid bereavement leave after the death of a qualifying family member as defined by the federal Family and Medical Leave Act or Oregon Family Leave Act, a domestic partner as defined by Public Employees Benefit Board (PEBB) eligibility rules, a child or parent of the employee's domestic partner, as defined by PEBB eligibility rules, a sibling, a grandparent or a grandchild.

(b) At the discretion of the appointing authority, an employee may be granted up to 24 hours or the equivalent of three full days of scheduled work for paid bereavement leave after the death of any other relative, any in-law or any person residing in the same household as the employee. In determining the amount of time to grant, the appointing authority shall consider the need for travel time.

(c) With the prior approval of the appointing authority, accrued leave may be used to cover time spent beyond bereavement leave.

(7) Leave without pay.

(a) An employee desiring a leave of absence without pay shall submit to the appointing authority a written request for that leave. The request must specify the duration of the leave and the purpose of the leave.

(b) Except as otherwise provided by law, any request for leave without pay must be submitted in advance of the leave, and approval or denial of the request is at the discretion of the appointing authority. Normally, leave without pay will not be granted until all other appropriate available paid leave has been exhausted.

(c) Unless LBPR 4 (6) applies, time off reported on an employee's timesheet in excess of available paid leave will be charged to leave without pay by Employee Services.

(d) Vacation and sick leave accrual for an employee who worked less than a full calendar month in a pay period because of leave without pay is computed on a prorated basis using the number of available work hours, based on the employee's schedule, in that month.

(e) Effect on recognized service date. Except as otherwise provided by law, leave without pay in excess of 15 consecutive calendar days results in a permanent adjustment of the employee's recognized service date. An employee's recognized service date is adjusted by adding to it the number of calendar days absent without pay, thereby making the recognized service date later than it would have been if leave without pay had not been taken.

(f) Effect on initial or promotional probationary period service. Leave without pay in excess of 15 consecutive calendar days may not be considered continuous employment when determining the completion of the initial or promotional probationary period service period. An employee's initial or promotional probationary period is adjusted by adding to it the number of calendar days absent without pay, thereby making the ending date of the initial or promotional probationary period later than it would have been if leave without pay had not been taken.

(g) Leave without pay totaling 11 or more working days in a calendar month may affect an employee's creditable service calculation under PERS. PERS maintains more detailed information.

(8) Leave during official building closure.

(a) Leave described in this rule may be claimed only for periods of time during which Legislative Branch operations are officially curtailed or facilities are officially closed under LBPR 29.

(b) Employees who are unable to work due to an official curtailment or closure shall be granted leave with pay. Employees who are otherwise on paid or unpaid leave during the official curtailment or closure shall remain on leave. Overtime-eligible employees shall record time worked during an official curtailment or closure as regular hours on their timesheets.

(c) Overtime eligible employees who are required by the appointing authority to work during an official building closure shall record time worked as regular hours and shall be provided compensatory time off at the rate of time and one half for each hour worked during the official building closure.

(f) When a hazardous condition does not result in official curtailment or building closure, but an employee does not wish to remain on site, employees have the option of using available paid leave or leave without pay. Employees are ultimately responsible for their own safety decisions and no employee will be required to remain if the employee feels unsafe.

(9) Family and medical leave. An eligible employee may be absent for reasons that qualify under FMLA or OFLA in accordance with LBPR 15.

(10) Other statutorily provided leave. The Legislative Branch will grant all other leave as provided by state or federal law, including but not limited to Red Cross Disaster Relief leave, Search and Rescue Operation leave and World or Pan American Olympic Training Event leave.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 18: Holidays

APPLICABILITY: This rule applies to all Legislative Branch employees. This rule does not apply to members of the Legislative Assembly.

(1) **Holidays.** For purposes of employment, the following holidays are observed in the Legislative Branch:

- (a) New Year's Day on January 1;
- (b) Martin Luther King, Jr.'s Birthday on the third Monday in January;
- (c) President's Day on the third Monday in February or an alternative date identified by the presiding officers;
- (d) Memorial Day on the last Monday in May;
- (e) Independence Day on July 4;
- (f) Labor Day on the first Monday in September;
- (g) Veterans' Day on November 11;
- (h) Thanksgiving Day on the fourth Thursday in November;
- (i) Christmas Day on December 25; and
- (j) Any day awarded by the presiding officers.

(2) **Additional holidays.** In addition to the holidays designated above, every day appointed as a holiday in accordance with ORS 187.020 shall be observed as a holiday in the Legislative Branch.

(3) **Holidays on Saturdays or Sundays.** If a holiday falls on Saturday, it shall be observed on the preceding Friday. If a holiday falls on Sunday, it shall be observed on the following Monday.

(4) **Holiday during a legislative session.** Holidays occurring during legislative sessions, legislative days or the period required for preparation for legislative sessions or legislative days may be designated by the agency head or parliamentarian as required working days. When the Legislative Assembly is in session or a legislative day occurs on a holiday, employees are expected to work if asked to do so by their appointing authority. An employee who works on a holiday described in this subsection shall be awarded an additional day off on a day approved by the employee's supervisor. The additional day off must be taken within 12 months after the holiday worked.

(5) **Holiday leave.**

(a) A full-time employee shall be granted eight hours of paid holiday leave for each holiday.

(b) A part-time employee shall be granted holiday leave for each holiday based on the same percentage of a month as the employee is normally scheduled to work.

(c) Exclusive of the holiday, a full-time employee on unpaid leave for more than 32 consecutive work hours or a part-time employee on unpaid leave for more than the equivalent of four full days of work may not be granted the paid holiday leave if the holiday falls at the beginning or end of or during the period of leave without pay.

(d) When an overtime eligible employee is working a flexible work schedule that results in a holiday falling on a day when the employee is normally scheduled to work more than eight hours, or, for a part-time employee, when the employee is normally scheduled to work more than the prorated share of the holiday, the appointing authority may:

(A) Reschedule the full-time employee to the standard schedule of five eight-hour work days for the work week in which the holiday falls;

(B) Reschedule the employee to a different flexible work schedule that results in a total of 40 hours of work time and holiday leave, or, for a part-time employee, the normal weekly hours, for the work week in which the holiday falls; or

(C) Permit the employee to use paid leave or leave without pay to account for the scheduled hours in excess of the holiday leave.

(e) Compensation for employees who are required to work on a holiday will be paid as follows:

(A) Temporary employees shall be paid straight time for hours worked.

(B) A nonexempt overtime eligible employee shall have the choice of being paid one and one-half times the employee's hourly wage for all hours worked on a holiday with no alternative day off, or one alternative day off for the holiday worked with no additional pay. The date of the alternative day off shall be approved by the employee's appointing authority and must be taken during the calendar year in which the approved the holiday occurs.

(C) An exempt employee who is not overtime eligible shall receive an alternative day off. The date of the alternative day off must be approved by the employee's supervisor and must be taken within 12 months following the date on which the holiday occurs.

(f)(A) All employees who are in an employment status other than temporary or limited duration status and who are appointed on a holiday observed on the first regularly scheduled work day of the month shall be paid for the holiday pursuant to the other provisions of this rule.

(B) An appointment may not be made effective on a holiday observed on a day other than the first day of the month.

(g)(A) An employee who separates from employment in a month including a holiday on the last regularly scheduled work day of the month shall be paid for the holiday if the employee actually works on the work day immediately preceding the holiday and is otherwise eligible to receive holiday leave.

(B) A separation may not be made effective on a holiday that is observed on any day other than the last day of the month.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 19: Gifts

APPLICABILITY: This rule applies to all members of the Legislative Assembly and to all Legislative Branch employees.

All members and employees are subject to the provisions of ORS chapter 244.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 20: Prehire and Promotional Screenings

APPLICABILITY: This rule applies to all legislative agencies and parliamentary offices.

(1) Criminal records screening.

(a) The Legislative Branch shall determine whether a criminal records check is required prior to making a final job offer. A determination made under this subsection must be based on the type of position for which the offer is being made, business necessity and applicable state laws. Applicants authorize a criminal records check by signing an Authorization to Release Information form at the time of recruitment prior to conducting the screening.

(b) Criminal records checks may be conducted only on finalists for a position and must be completed prior to making a final job offer. A criminal records check may be required for continuing positions and temporary or limited duration positions, depending upon the nature of the job duties.

(c) Arrest records, in the absence of a subsequent conviction, may not be a bar to employment with the Legislative Branch.

(d) Information regarding a conviction or an arrest record that is discovered during a criminal history check shall be kept confidential and stored in the recruitment file for a position, and only the appointing authority and Employee Services staff may access that file.

(e) All costs related to a required criminal records check shall be paid by the legislative agency for whose benefit the costs were incurred.

(2) Medical examinations.

(a) The Legislative Administrator may require a post-job offer health examination for applicants for positions in Facility Services that have specific physical requirements. Legislative Administration shall pay all costs for a physical examination conducted under this subsection.

(b) A post-job offer physical examination of an applicant for a position in Facility Services may be required only if all individuals receiving offers of employment in the same job category are required to have a physical examination.

(c) Physical examinations conducted under this subsection shall be made in compliance with ORS 659A.133 and the Americans with Disabilities Act (42 U.S.C 12101 et seq.).

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 21: Political Activity

APPLICABILITY: This rule applies to all Legislative Branch employees. This rule does not apply to members of the Legislative Assembly.

(1) It is the policy of this state and of the Legislative Branch that employees may engage in political activity on the job during working hours except to the extent prohibited by state law. (*See* ORS 173.240, 173.740, 260.432.)

(2) ORS 260.432 prohibits a public employee from soliciting any money, influence, service or other thing of value or otherwise promoting or opposing any political committee, the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition or the adoption of a measure or the recall of a public office holder while on the job during working hours. However, ORS 260.432 does not restrict the right of a public employee to express personal political views.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 22: Official Employee Personnel Records

APPLICABILITY: This rule applies to all Legislative Branch employees. This rule does not apply to members of the Legislative Assembly, except insofar as requiring members to transmit personnel actions and other personnel records to Employee Services.

(1) General.

(a) The Human Resources Director shall maintain all necessary official personnel records. Employee payroll records will be maintained separately from the employee's official personnel file. All personnel records, regardless of where they are maintained, must be secured to maintain confidentiality.

(b) For purposes of this rule, "employee" includes current and former legislative employees.

(2) Change of employment status report. Every personnel action, including but not limited to appointment, transfer, promotion, demotion and change of pay rate, must be reported to Employee Services by the appointing authority. Before taking such action, the appointing authority shall submit a Legislative Branch Personnel Action Request form for processing.

(3) Adverse information.

(a) Adverse information about an employee may not be placed in the employee's official personnel file unless the employee has been given a copy of the information.

(b) Except for notices of removal, dismissal or job abandonment, or as otherwise provided in LBPR 9, an employee must sign a form acknowledging that the employee has seen the materials describing the adverse information to be placed in the employee's official personnel file. The form must contain the following disclaimer: "Employee's signature confirms only that the supervisor has given a copy of material describing adverse information to the employee. The signature does not indicate agreement or disagreement with its content."

(c) If, after reviewing the material describing the adverse information, the employee refuses to sign the form described in paragraph (b) of this subsection, a notation by the appointing authority or the employee's supervisor must be included with the form. The form and the material describing the adverse information may then be placed in the employee's official personnel file.

(d) If the employee is not available to sign the form, the supervisor shall note this on the form, along with a notation indicating the date on which the form was mailed to the employee and the address to which it was mailed. Once this action has been taken, the material describing the adverse information may then be placed in the employee's official personnel file.

(e) If the employee believes the adverse information included with the form is incorrect, incomplete or misrepresentative of the facts, the employee is entitled to prepare a written explanation of the actions described in the adverse information. This explanation shall be

included as part of the employee's official personnel file until the material describing the adverse information is removed in accordance with the Legislative Branch's records retention and destruction policy.

(4) Access.

(a) An employee has the right to review the employee's own official personnel file. The entire contents of the file shall be made available to the employee except for references from previous employers. An employee may give signed authorization to another individual to review the employee's records. For other personnel records, see ORS 652.750.

(b) Unless otherwise required by law, in addition to the employee and the employee's designee, only the following people may have access to an employee's official personnel file:

(A) An appointing authority or supervisor with authority over the employee within the Legislative Branch;

(B) Legally authorized law enforcement and regulatory agencies;

(C) Employee Services staff;

(D) The appointing authority responsible for a position for which an employee has applied and is a finalist; and

(E) Any person or agency legally representing the Legislative Branch on matters involving the employee.

(c) When a legislative employee accepts employment with a state agency in the Executive or Judicial Branch of government, and upon receipt of a request from that agency, the entire contents of the employee's official personnel file shall be transferred to that state agency. The transfer of the file shall occur only after the employee separates from the Legislative Branch. Employee Services may retain a copy of the personnel file in accordance with the records retention schedule.

(5) Public information.

(a) Disclosure of information in an employee's official personnel file is governed by the Public Records Law, ORS 192.410 to 192.505. Records within an employee's personnel file that are exempt from disclosure may nevertheless be disclosed if disclosure is authorized by the employee.

(b) State agencies may obtain the name, home address, Social Security number or employing agency of any or all employees when information contained in an employee's official personnel file is to be used to enforce claims of the state or to defend claims against the state.

(6) Retention periods. Items in the employee's official personnel file shall be retained as provided for by the document retention schedule adopted by the Legislative Administration Committee (LAC).

(7) Retention period freeze. The document retention schedule adopted by LAC shall be suspended and no records shall be removed upon receipt of a charge of discrimination under the Federal Equal Employment Opportunity Act or state law, receipt of a public records request during periods for which the Legislative Assembly is subject to the public records law or if the records relate to pending litigation.

(8) Review and removal. Official personnel files shall be reviewed biennially for compliance with the retention schedule. All material exceeding designated retention periods shall be

removed. Letters of commendation removed from an employee's official personnel file shall be returned to the current employee.

(9) Medical information.

(a) Confidentiality. The appointing authority is responsible for ensuring that all employee medical information is confidential. Even if an employee voluntarily informs the employee's supervisor, lead worker or manager directly, the following shall apply:

(A) Supervisors, lead workers and managers may be informed about the employee's medical condition only to the extent needed to assess whether workplace modification or other employee accommodation is required or effective.

(B) First aid and safety personnel may be informed of the employee's medical condition to the extent that the condition may require emergency treatment or response or if any special procedures are necessary to evacuate the employee in the event of an emergency.

(C) Employee Services staff and the legal representatives of the Legislative Branch may be informed about an employee's medical condition as necessary to provide advice about or to administer applicable laws, rules and policies.

(b) Separate files. Information related to an employee's medical condition must be kept separate from the employee's official personnel file. Medical information includes, but is not limited to:

(A) Completed workers' compensation claim forms and related documentation;

(B) Letters from an employee's health care provider regarding the employee's medical condition, physical restrictions or need for workplace modification;

(C) Letters regarding the medical condition of an employee's spouse or other family member;

(D) Emergency forms that list the employee's medical conditions, health care providers or prescribed medications; and

(E) Employee requests for leave that identify the employee's illness or injury.

(c) Insurance enrollment information. All official employee-specific insurance information shall be maintained by Employee Services. Appointing authorities are prohibited from maintaining insurance company medical history statements.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 23: [Reserved]

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 24: Family and Personal Workplace Relationships

APPLICABILITY: This rule applies to legislative agencies and parliamentary offices. This rule does not apply to members of the Legislative Assembly, personal staff, leadership office staff or caucus office staff. This rule does not apply to any appointment, transfer, promotion, demotion, dismissal or removal from a position made prior to September 1, 2012.

(1) Policy.

(a) An employee may not participate in an interview, discussion or debate regarding the appointment, transfer, promotion, demotion, dismissal or removal of an employee who is a relative.

(b) A person may not occupy a position in which the person supervises a relative or is in a position to exert direct influence on the appointment, temporary appointment, promotion, transfer, pay or discipline of a relative.

(2) Definition. For purposes of this rule, "relative" means:

(a) An employee's spouse, domestic partner, son, daughter, mother, father, brother, sister, half-brother, half-sister, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, the parent of a domestic partner or the child of a domestic partner; or

(b) An individual who resides in the same household as an employee and who shares a committed personal relationship with that employee.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 25: Job Rotation

APPLICABILITY: This rule applies to all employees of the Legislative Branch. Subsection (3) of this rule applies to members of the Legislative Assembly.

(1) General provisions.

(a) It is the policy of the Legislative Branch to provide employees with the opportunity to explore new assignments or jobs and to provide legislative agencies with the opportunity to enhance employee development or make use of Legislative Branch staff through job rotations.

(b) As used in this rule, “job rotation” means a change in the work performed by an employee:

(A) Wherein the employee assumes a different work assignment for a specific period of time; and

(B) To which the employee and the employer mutually agree before the change occurs.

(2) Job rotations within the Legislative Branch.

(a) Job rotations within the Legislative Branch are intended to benefit all of the parties involved.

(b) Unless otherwise provided in the job rotation agreement, an employee on job rotation shall remain in the same position number and classification and shall retain all rights, benefits and privileges of the position.

(c) An employee on developmental job rotation may retain the same salary rate.

(d) Salary, employee benefits and state contributions may be provided by the agency that pays the employee on job rotation.

(3) External job rotations. Article III, section 1, of the Oregon Constitution, divides state government into three separate branches consisting of the Legislative, Executive and Judicial, and provides that no person charged with official duties under one branch shall exercise any of the functions of another, except as otherwise expressly allowed in the Oregon Constitution. Accordingly, most employees of the Legislative Branch may not enter into a temporary job rotation agreement for a position in another branch of state government and employees of the Executive or Judicial Branch may not enter into a job rotation agreement for a position in the Legislative Branch. Further information about external job rotations is available from Employee Services.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 26: Telecommuting

APPLICABILITY: This rule applies to all legislative agencies and parliamentary offices. This rule does not apply to members of the Legislative Assembly, leadership office staff, caucus office staff or personal staff.

(1) General policy.

(a) The Legislative Assembly and all legislative agencies may allow employees to telecommute when there are opportunities for improved employee performance, reduced commuting miles or agency savings.

(b) Most legislative positions require the physical presence of employees at the State Capitol or other central worksites to best serve the needs of the Legislative Assembly and Oregonians, especially before and during a legislative session. Therefore, an appointing authority may allow employees to telecommute only when that work option does not adversely affect the operations or productivity of the Legislative Branch.

(2) Process.

(a) When an appointing authority allows an employee to telecommute, the employee shall sign and abide by a telecommuting agreement between the employee and the appointing authority. A model telecommuting agreement is available in Employee Services that may be modified to fit the circumstances of a telecommuting employee.

(b) Telecommuting agreements may be effective for a period of no longer than 12 months.

(c) A telecommuting agreement may be renewed only if the request for renewal includes an explanation of how continuation of the agreement supports the goals of improved employee performance, reduced commuting miles or agency savings.

(d) A copy of an employee's telecommuting agreement and any renewal agreement shall be placed in the employee's personnel file.

(e) The telecommuting employee's conditions of employment shall remain the same as that of employees who do not telecommute. Employee salary, benefits and employer-sponsored insurance coverage do not change as a result of telecommuting.

(f) Business visits, meetings with agency customers or regularly scheduled meetings with coworkers may not be held at the telecommuting worksite if the worksite is in the employee's home.

(g) Legislative Administration Information Systems information resource management network security policies must be followed when telecommuting requires connecting personal computing equipment and software to state computer security systems.

(h) If an injury occurs during telecommuting work hours, the telecommuting employee shall immediately report the injury to the employee's supervisor.

(3) **Agency heads and parliamentarians.** An agency head or parliamentarian who seeks to telecommute may file a telecommuting agreement with the Human Resources Director.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 27: Harassment-Free Workplace

APPLICABILITY: This rule applies to members of the Legislative Assembly and all employees of the Legislative Branch, including legislative interns and volunteers performing services for the Legislative Branch. This rule and the processes described in this rule do not apply to persons who are not members of the Legislative Assembly or employees, interns or volunteers of the Legislative Branch.

(1) **Policy.** The Legislative Branch is committed to providing a safe and respectful workplace that is free of harassment. Members of the Legislative Assembly and all Legislative Branch employees are expected to conduct themselves in a manner that is free of harassment and to discourage all harassment in the workplace and at events, professional meetings, seminars or any events at which legislative business is conducted.

(2) **Meaning of harassment.**

(a) For purposes of this rule, harassment consists of sexual harassment or workplace harassment.

(b) For purposes of this rule, sexual harassment is any unwelcome sexual advance, a request for sexual favors or other verbal or physical conduct of a sexual nature if:

(A) Submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment;

(B) A person expressly or by implication conveys that declining to submit to the conduct will affect a person's job, benefits or business before the Legislative Assembly; or

(C) The conduct has the purpose or effect of unreasonably interfering with a person's job performance, or creates a work environment that a reasonable person would find intimidating, hostile or offensive.

(c) For purposes of this rule, workplace harassment means treatment or behavior that, to a reasonable person, creates an intimidating, hostile or abusive work environment. Workplace harassment also includes discrimination based on a person's age, color, disability, race, religion, national origin, sex, sexual orientation or status as a member of a protected class.

(d) A supervisor engages in harassment by failing to take appropriate action as described in this rule when the supervisor knows or reasonably should know of harassment engaged in by, or affecting, a person to whom this rule applies. Appropriate action that a supervisor may take includes, but is not limited to:

(A) Discussing options under this rule with the person thought to be the victim of harassment; or

(B) Discussing the supervisor's knowledge of the alleged harassment with the Human Resources Director or the Legislative Counsel.

(3) **Initiating a complaint.**

(a) A Senator or Representative or any employee of the Legislative Branch who believes the Senator or Representative or employee is or has been subject to harassment by another member of the Legislative Assembly or employee of the Legislative Branch may, within one year of the date of the harassment, initiate a formal complaint process as prescribed in subsection (5) of this rule, or may initiate an informal complaint process described in this rule by making a complaint with any of the following intermediaries that the complainant may choose:

(A) One or more Senators that may have been designated by the Senate President as a harassment intermediary;

(B) One or more Representatives that may have been designated by the Speaker of the House of Representatives as a harassment intermediary;

(C) The Human Resources Director;

(D) The Secretary of the Senate;

(E) The Chief Clerk of the House of Representatives;

(F) The Legislative Administrator; or

(G) The Legislative Counsel.

(b) The complaint must include specific details of the alleged harassment, the name of the person alleged to be involved in the harassment and dates and times of the alleged harassment.

(c) The intermediary shall explain that there are options available to the complainant and shall discuss the options available with the complainant. Except as subject to applicable statutes of limitation and time limitations set forth in this rule, the selection of any one option does not preclude a complainant from pursuing other options at any time. The options include:

(A) Telling the alleged offender about the actions that constituted the alleged harassment and asking the offender to stop;

(B) If the complainant does not want to confront the alleged offender directly, using the informal complaint process set forth in subsection (4) of this rule;

(C) Using the formal complaint process set forth in subsection (5) of this rule; or

(D) Pursuing legal remedies through administrative agencies or the courts.

(d) A particular intermediary may recuse himself or herself from serving as an intermediary if, in the opinion of the intermediary, he or she lacks objectivity or otherwise believes the intermediary is in a position that is inappropriate to serve as an intermediary. A person who recuses himself or herself from serving as an intermediary shall ensure that the complainant knows of other intermediaries available to assist the complainant.

(e) When an informal or formal complaint is made, the intermediary who receives the informal complaint or the persons who receive the formal complaint shall immediately take appropriate action to ensure that the complainant has a safe and nonhostile work environment. The presiding officers, parliamentarians and each agency head shall assist the intermediary or persons who receive the formal complaint, to the greatest extent practicable, in ensuring that appropriate action be taken so that the complainant has a safe and nonhostile work environment.

(4) Informal complaint process.

(a) A person who believes that the person may have been subjected to harassment may simply want particular conduct to stop, but may not want to go through a formal complaint process or legal proceeding. The informal complaint process is designed and intended to meet that need.

(b) The informal complaint process is confidential. Any records related to a harassment matter addressed under the informal complaint process, however, are subject to the provisions of ORS 192.410 to 192.505.

(c) An intermediary who receives an informal complaint shall listen to the complainant, answer a complainant's questions and explain options. An intermediary is not an advocate. With the permission of the complainant, the intermediary may serve as a mediator and may explore options that lead to resolution. Notwithstanding paragraph (b) of this subsection and only with the permission of the complainant, the intermediary shall:

(A) If the subject of the complaint is a member, notify the highest ranking member of the same caucus as the member who is the subject of the complaint, of the fact that a complaint has been made and the name of the complainant. The highest ranking member shall immediately notify the member who is the subject of the complaint of the fact that a complaint has been made, the name of the complainant and the name of the intermediary.

(B) If the subject of the complaint is the highest ranking member of a caucus, notify the presiding officer of the chamber in which the person who is the subject of the complaint serves. If the subject of the complaint is the presiding officer, notify the caucus leader of the same caucus as the presiding officer. The member who is notified of the complaint shall immediately notify the member who is the subject of the complaint of the fact that a complaint has been made, the name of the complainant and the name of the intermediary.

(C) If the subject of the complaint is a personal staff member, caucus staff member or leadership office staff member, notify the appointing authority of the fact that a complaint has been made and the name of the complainant. The appointing authority shall immediately notify the subject of the complaint of the fact that a complaint has been made, the name of the complainant and the name of the intermediary.

(D) If the subject of the complaint is a member of the nonpartisan staff, notify the agency head or parliamentarian of the agency or parliamentary office of which the subject of the complaint is an employee. The agency head or parliamentarian shall immediately notify the subject of the complaint of the fact that a complaint has been made, the name of the complainant and the name of the intermediary.

(E) If the subject of the complaint is an agency head, notify the presiding officers. The presiding officers shall immediately notify the subject of the complaint of the fact that a complaint has been made, the name of the complainant and the name of the intermediary.

(F) If the subject of the complaint is a parliamentarian, notify the presiding officer of the chamber that elected the parliamentarian. The presiding officer shall immediately notify the parliamentarian of the fact that a complaint has been made, the name of the complainant and the name of the intermediary.

(d) Upon learning of the complaint, the subject of the complaint shall meet with the intermediary prior to having any further contact with the complainant.

(e) An intermediary does not have authority to impose discipline. After meeting with an intermediary or at any time during the informal complaint process, a complainant may decide to institute a formal complaint process under subsection (5) of this rule. Institution of a formal complaint process supersedes and terminates any informal complaint process brought by the complainant.

(5) Formal complaint process.

(a) A person who believes the person has been subjected to harassment may initiate a formal complaint process instead of participating in the informal complaint process established under subsection (4) of this rule or at any time after initiating the informal complaint process.

(b) The person initiates the formal complaint process by filing a written complaint:

(A) In a case where the person who is the subject of the complaint is a member, personal staff member or member of the staff of a caucus leader or presiding officer, with the

highest ranking member of the caucus of the chamber in which the person who is the subject of the complaint serves or works, and with the Human Resources Director and the Legislative Counsel.

(B) In a case where the person who is the subject of the complaint is an employee of a legislative agency, with the agency head, the Human Resources Director and the Legislative Counsel.

(C) In a case where the person who is the subject of the complaint is an employee of a parliamentary office, with the parliamentarian of the chamber the parliamentary office serves, the Human Resources Director and the Legislative Counsel.

(c) Notwithstanding paragraph (b) of this subsection, if the person who is the subject of the complaint is a person required under paragraph (b) of this subsection to receive the written complaint, then in lieu of service under paragraph (b) of this subsection, the written complaint shall be filed:

(A) In a case where the person who is the subject of the complaint is a caucus leader or a parliamentarian, with the presiding officer of the chamber in which the caucus leader or parliamentarian serves, and with the Human Resources Director and the Legislative Counsel.

(B) In a case where the person who is the subject of the complaint is a presiding officer, with the caucus leader of the same caucus and chamber as the presiding officer, and with the Human Resources Director and the Legislative Counsel.

(C) In a case where the person who is the subject of the complaint is an agency head or the Human Resources Director, with the presiding officers of both chambers and with the Legislative Counsel.

(D) In a case where the person who is the subject of the complaint is the Legislative Counsel, with the presiding officers of both chambers, the Human Resources Director and the Chief Deputy Legislative Counsel.

(d) The persons who receive a complaint filed under paragraph (b) or (c) of this subsection shall, within 10 days after receipt of the complaint, appoint an independent investigator. In all instances in which the person who is the subject of the complaint is a member of the Legislative Assembly, the independent investigator may not be an employee of the Legislative Branch and shall have experience conducting investigations of harassment. With respect to any other complaint, the persons who receive the complaint shall appoint an independent investigator who is an employee of Employee Services, the Legislative Counsel Office or an investigator unaffiliated with the Legislative Branch with experience conducting investigations of harassment.

(e) The independent investigator shall conduct an investigation and present findings of fact and recommendations within 60 days of appointment under paragraph (d) of this subsection:

(A) In a case where the person that is the subject of the complaint is a member of the Legislative Assembly, to the respective special committee on conduct of the chamber in which the member serves. Special committees on conduct are established as prescribed in subsection (7) of this rule.

(B) In all other cases, to the persons who appointed the independent investigator.

(C) In all cases, to the complainant and the person who is the subject of the investigation.

(f)(A) When a special committee on conduct receives an independent investigator's report prepared under paragraph (e)(A) of this subsection, the committee shall schedule a public hearing and give notice to the complainant and person subject to the complaint of the date and location for the hearing. The hearing may not be set for a date that is less than 14 days nor more than 45 days after the committee receives the investigator's report.

(B) At the hearing, the complainant and the person who is the subject of the complaint, or their attorneys, may present documents or other evidence and may suggest witnesses. Only members of the committee may question or otherwise address witnesses. Committee members shall limit the scope of their questions to topics that a court in this state would deem relevant in a civil action involving the same conduct.

(C) The committee shall deliberate on the investigator's report, testimony and other evidence presented at the hearing and report a recommendation. The committee may recommend:

(i) A sanction, consisting of reprimand, censure or expulsion.

(ii) That no further action be taken.

(iii) A finding that the complaint is frivolous or without merit. A finding that the complaint is frivolous or without merit may include recommended sanctions against the complainant.

(D) The committee shall report its recommendation to the complainant and the person that is the subject of the complaint. The complainant or the person who is the subject of the complaint shall have 10 days to request that the committee review the recommendations. A request for review shall be in writing and shall state the requester's objections to the recommendation. A copy of the request for review shall be given to the other party, who shall have five days to respond in writing to the request for review. The committee shall consider the request for review and response and report its recommendation within 10 days after the date for the filing of the response to a request for review.

(E) At the end of any review period under subparagraph (D) of this paragraph, the committee's recommendation shall be made to the chamber that constituted the committee. The chamber shall take action on the recommendation on the next day that it convenes. Any sanction considered by a chamber shall be adopted by the chamber only upon receiving at least a two-thirds majority vote in favor of adoption of the sanction.

(g)(A) When persons other than a special committee on conduct receive an independent investigator's report under paragraph (e)(B) of this subsection, the recipients shall review the investigator's report and recommendations. The recipients may concur in the recommendations of the independent investigator or may make findings that modify the recommendations. Any findings that modify the recommendation must be made in writing and must explain the reason for the modification.

(B) The independent investigator's report and concurrence or findings modifying the report shall be submitted to the appointing authority of the person who is the subject of the complaint within 10 days after receipt of the report.

(C) The appointing authority shall act on recommendations received under subparagraph (B) of this paragraph as soon as is practicable after receipt. The appointing authority may impose sanctions, including reprimand, implementation of a work plan, suspension or termination, or may take no further action.

(D) Notwithstanding subparagraph (C) of this paragraph, if the appointing authority of the person who is the subject of the complaint is a member of the Legislative Assembly, the appointing authority must implement:

(i) The independent investigator's recommendations, if the recipients of the investigator's report concur under subparagraph (A) of this paragraph; or

(ii) The recipients' findings that modify the independent investigator's recommendations.

(6) **Retaliation prohibited.** Retaliatory action against any person who participates in a process described in this rule may not be undertaken. Retaliatory action that is undertaken constitutes harassment under this rule.

(7) **Presiding officer duties.** As soon as practicable after the Legislative Assembly convenes in organizational session the Senate President and the Speaker of the House of Representatives shall each do all of the following:

(a) Each presiding officer may designate one or more members as harassment intermediaries. A designated intermediary shall receive training from the Human Resources Director and the Legislative Counsel, or their designees, on performing intermediary duties described in this rule.

(b) Appoint the members of a special committee on conduct. Each committee shall consist of an equal number of members from the majority party and the minority party. If a member of a special committee on conduct is the complainant or the subject of a complaint, the appropriate presiding officer shall discharge the member from the committee and appoint another member from the same party.

(8) **Human Resources Director and Legislative Counsel duties.**

(a) The Human Resources Director shall give the following notice to all members and Legislative Branch employees:

If you believe you have been a victim of harassment, you have options. You can tell the offender about the action that disturbed you and ask the offender to stop. You can communicate to the offender in person or in writing. You may also use the informal or formal complaint process set forth in Legislative Branch Personnel Rule 27 to pursue a complaint of harassment if you:

(1) Do not want to confront the offender directly;

(2) Have talked to the offender and the offensive behavior has not stopped; or

(3) Believe your complaint has resulted in retaliation.

In addition, you have the right to seek redress with administrative agencies or the courts.

(b) The Human Resources Director shall ensure that the text of the notice set forth in paragraph (a) of this subsection is posted in common work areas for all members and Legislative Branch employees, and is available on the Legislative Intranet. The Human Resources Director shall maintain an accurate list of all harassment intermediaries and distribute the list to legislative leadership, caucus leaders, agency heads and parliamentarians. The Human Resources Director and the Legislative Counsel, or their designees, shall provide training to newly designated intermediaries.

(10) **Independent investigator costs.** The costs of an independent investigator hired pursuant to this rule shall be borne by the Legislative Assembly.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 28: Safe and Healthy Workplace

APPLICABILITY: This rule applies to all members of the Legislative Assembly and to all employees of the Legislative Branch.

(1) Policy.

(a) The Legislative Branch must maintain a smoke-free and drug-free workplace in order to promote safety, health and efficiency and to protect public and employee health.

(b) This policy applies to all persons who work at or visit Capitol offices.

(c) Everyone is responsible for maintaining a safe and healthy work environment.

(2) Smoke-free Capitol. In accordance with ORS 433.850, the Capitol is a smoke-free workplace.

(3) Drug-free Capitol.

(a) All Legislative Branch employers must maintain a workplace free of controlled substances in order to promote employee safety, health and efficiency.

(b) All appointing authorities shall:

(A) Grant leave with or without pay to permit any employee who requests leave under this rule to participate in a drug abuse assistance or rehabilitation program.

(B) Support the Legislative Branch's drug awareness program to inform employees of the:

(i) Dangers of drug abuse in the workplace;

(ii) Availability of drug counseling, rehabilitation and employee assistance programs; and

(iii) Penalties that may be imposed for drug abuse violations occurring in the workplace.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 29: Building Closure

APPLICABILITY: This rule applies to all members of the Legislative Assembly and to all employees of the Legislative Branch. This rule does not apply to the operations of district offices.

(1) **Branch closure.** The Legislative Branch may curtail services and close facilities only under hazardous conditions or inclement weather that interfere with normal operations.

(2) **Definitions.** As used in this rule:

(a) “Closure” means a temporary cessation of operations.

(b) “Curtailment” means a temporary change in operations. Curtailment may involve continuing some but not all of the operations of a legislative agency or parliamentary office.

(c) “Hazardous conditions” means internal or external workplace conditions that interfere with normal operations, including but not limited to the presence of hazardous chemicals, flood, fire, earthquake or contagious illness.

(d) “Inclement weather” means extreme weather conditions that interfere with normal agency operations.

(3) **Designated officials to determine curtailments and closures; reason for curtailment or closure.**

(a) The Legislative Administrator, in consultation with leadership offices, may curtail or close legislative agency and parliamentary office operations or close the State Capitol for hazardous conditions, inclement weather or other situations to ensure the health or safety of employees or the public.

(b) The Legislative Administrator shall base decisions to curtail services or close facilities on information including, but not limited to, road conditions, as announced by the Department of Transportation, weather forecasts, public health alerts, building conditions, the accessibility of exits and parking areas and discussions with other local government officials regarding the status of other building conditions in the area.

(4) **Essential personnel.** Agency heads and parliamentarians may designate personnel who are essential to operations during curtailment or closure of operations. Legislative agencies and parliamentary offices shall notify essential personnel that they are required to report, as directed, regardless of curtailment or closure. Agencies and offices shall provide essential personnel with instructions on how to proceed in the event of curtailment or closure.

(5) **Notification procedure.**

(a) Employees may call the Building Information line at (503) 986-1178 for information about unplanned curtailment or closure of operations or official building closure. Employees may also get information about curtailments or closures on the legislature’s website. Legislative

agencies and parliamentary offices may develop additional internal procedures for notifying employees and the public of unplanned curtailment or closure of services.

(b) If the Legislative Administrator decides to curtail or close legislative operations, the Legislative Administrator shall notify the legislative website editor and Facilities Services Director to begin the notification process.

(c) If a curtailment or closure decision is made before the start of the work day, the Legislative Administrator shall notify media outlets by 5:00 a.m. or, if the decision is made after 5:00 a.m., as soon as is practicable.

(d) Legislative Administration must establish communication procedures for employees who start work at or prior to 6:00 a.m.

(6) **Personal safety.** Employees are responsible for their own personal safety and should make their own decisions about reporting to work during periods of inclement weather or when hazardous conditions exist.

(7) **Leave.** Whether leave with pay is granted for periods of closure or curtailment is determined under LBPR 17 (8).

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 30: Safety and Wellness Committee

APPLICABILITY: This rule applies to legislative agencies and parliamentary offices.

(1) **Policy.** It is the policy of the Legislative Branch to promote health and safety in places of employment for all employees, volunteers and visitors. Employee involvement in accident prevention is desired to promote a safe and healthy workplace. To accomplish this task a Safety and Wellness Committee (SWC) is established, consistent with ORS 654.182.

(2) **Purpose.** The SWC shall seek to eliminate risks and identify opportunities to educate and engage the staff of the Legislative Branch on health and safety issues in the workplace.

(3) **Committee membership.**

(a) The SWC shall consist of:

(A) The Safety Coordinator and the Human Resources Director as permanent members; and

(B) At least one representative from:

(i) The Legislative Administrator's Office;

(ii) Financial Services;

(iii) Committee Services;

(iv) Information Systems;

(v) The Legislative Counsel Office;

(vi) The Legislative Fiscal Office;

(vii) The Legislative Revenue Office;

(viii) The Commission on Indian Affairs; and

(ix) Other Capitol building tenants, including the Oregon State Treasurer, the Secretary of State and the Governor's Office.

(b) No interested party may be excluded from participation in the SWC.

(c) Whenever possible, a balanced membership must be maintained between management personnel and staff.

(d) Representatives on the SWC may be volunteers or elected by their peers.

(e) Representatives on the SWC shall serve a continuous term of one year (January 1 through December 31).

(4) **Committee meetings.** The SWC shall meet during regular business hours. All representatives on the SWC shall be compensated at their regular hourly wage while they are engaged in SWC training or are attending SWC meetings.

(5) **Duties and functions.** The duties and functions of the SWC include, but are not limited to:

(a) Conducting an annual review of existing procedures and approving modifications to or adopting written procedures for:

(A) Reporting and investigating health and safety incidents, accidents, illnesses and deaths;

(B) Tracking and reporting incident statistics;

(C) Safety and wellness training for SWC members and legislative staff; and

(D) Workplace safety inspections by the SWC.

(b) In January of each year, conducting an annual review and evaluation of those records that are required to be maintained by the Occupational Safety and Health Administration, including those that reflect the prior year's incidents, accidents, illnesses and deaths, for the purpose of recommending corrective action necessary to prevent similar events from occurring.

(c) Evaluating current Legislative Administration policies and procedures that may impact health and safety in the workplace, and making written recommendations to the Legislative Administrator for modifying or adopting policies and procedures as necessary.

State of Oregon
LEGISLATIVE BRANCH RULES

Legislative Branch Rule 31: Safe Mail Handling

APPLICABILITY: This rule applies to the Legislative Branch.

(1) Capitol health and safety.

(a) It is the policy of the Legislative Branch to promote and place high priority on the health and safety of all employees, volunteers, visitors and customers in the Capitol and on the security of all mail delivered into the State Capitol.

(b) Safety measures shall be selected on the basis of an initial evaluation of the work site. This evaluation should focus on determining which processes, operations, jobs or tasks are most likely to result in an exposure if a contaminated envelope or package enters the work site.

(c) The determination of a credible threat condition is in the purview of the Oregon State Police. If a credible threat is found, the police will communicate the threat, and mail operations will be modified to address the threat.

(d) Unless told otherwise, a Legislative Branch employee should not presume that credible threat conditions exist at the State Capitol.

(2) Characteristics of suspicious mail or packages. Employees should be aware of any unusual or suspicious characteristic of mail or a package that they receive in the course of their employment. These characteristics may include pieces of mail or packages that:

(a) Have excessive postage, a handwritten or poorly typed address, incorrect titles or titles with no name or misspellings of common words.

(b) Are addressed to someone no longer with the Legislative Branch or are otherwise outdated.

(c) Have no return address.

(d) Are of unusual weight, given the size of the package, or are lopsided or oddly shaped.

(e) Have an unusual amount of tape.

(f) Have a strange odor, are stained or have a grainy or wet substance coming from the package.

(3) Procedures upon receiving suspicious mail or packages. If a threat is received by mail or in a package, an employee:

(a) May not handle the mail or package suspected of contamination.

(b) Must notify the Legislative Administrator, the Facilities Manager or the Oregon State Police in the Capitol. When the Oregon State Police are notified, the Oregon State Police shall consult with Hazardous Materials Response (HazMat) or other specialized police units to determine whether a credible threat exists.

(c) Must make sure that the mail or package is isolated and the immediate area is cordoned off.

(d) Must ensure that all persons who have touched the mail or package wash their hands with soap and water.

(e) Must create, for law enforcement agents, a list of all persons who have touched the mail or package and the contact information for those persons.

(f) Must place all items worn when the person came into contact with the mail or package in plastic bags and make the items available for law enforcement agents.

(g) Must shower, as soon as is practicable, with soap and water.

(h) In the event of a verified credible threat, follow other instructions by law enforcement regarding decontamination procedures.

State of Oregon
LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 32: Employees of Members, Leadership and Caucuses

APPLICABILITY: This rule applies to personal staff of members of the Legislative Assembly and to caucus office and leadership office staff.

(1) Personal staff of members of the Legislative Assembly.

(a) Employees appointed as personal staff serving a member of the Legislative Assembly directly serve at the pleasure of the member.

(b) Applicants for personal staff positions shall apply for employment in the manner prescribed by the member of the Legislative Assembly. The application must include, at a minimum, a summary of the applicant's prior relevant education and experience and a signed legislative application form as required of all applicants for other positions.

(2) Leadership office and caucus office staff.

(a) Employees appointed to work for a leadership office or a caucus office serve at the pleasure of the appointing authority.

(b) Applicants for employment with a leadership office or a caucus office shall apply for employment in the manner prescribed by the appointing authority. The application must include, at a minimum, a summary of the applicant's prior relevant education and experience and a signed legislative application form as required of all applicants for other positions.

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LEGISLATIVE BRANCH PERSONNEL RULES

Legislative Branch Personnel Rule 33: [Reserved]