TITLE 22

PUBLIC OFFICERS AND EMPLOYES

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VACANCIES AND ELIGIBILITY GENERALLY

236.010 Causes for vacancies in office. An office shall become vacant before the expiration of the term if:

(1) The incumbent dies, resigns or is removed.

(2) The incumbent ceases to be an inhabitant of the district, county, town or village for which he was elected or appointed, or within which the duties of his office are required to be discharged.

(3) The incumbent is convicted of an infamous crime, or any offense involving the violation of his oath.

(4) The incumbent refuses or neglects to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law.

(5) The election or appointment of the incumbent is declared void by a competent tribunal.

(6) The incumbent is found to be a mentally diseased person by the decision of a competent tribunal.

236.020 Vacancy for breach of official bond. The Governor shall declare vacant the office of every officer required by law to execute an official bond whenever a judgment is obtained against such officer for a breach of the conditions of the bond.

236.030 Persons ineligible for office because of membership in certain organizations. (1) No person who is a member of, or affiliated with, any organization which teaches the doctrine of, or advocates, the overthrow of the Government of the United States by force or violence shall be a candidate for public office or eligible for appointment to a public office.

(2) The name of a person defined in subsection (1) of this section shall not be placed upon any ballot in connection with any election.

236.040 Leave of absence for Peace Corps volunteer; reinstatement. (1) As used in this section:

(a) "Public officer or employe" means any person who renders service to and is paid therefor by a public employer.

(b) "Public employer" means the state or a county, city, school district or other public corporation, commission, agency, board or entity organized for a public purpose.

(2) Public employers shall grant leaves of absence without pay for at least two years to any full-time salaried public officer or employe who serves, and while he serves, as a volunteer in the Peace Corps. Upon expiration of the leave the public officer or employe shall have the right to be reinstated to the position held before the leave was granted and at the salary rates prevailing for such positions on the date of resumption of duty, without loss of seniority or other employment rights, if any. Failure of the officer or employe to report within 90 days after termination of his service shall be cause for dismissal.

[1963 c.199 §§1, 2]

236.050 to 236.090 [Reserved for expansion]

236.100 Political affiliation of person appointed to fill vacancy in partisan elective office. Whenever a vacancy occurs in any partisan elective office in this state and is to be filled by appointment, including the office of United States Senator, no person shall be eligible for such appointment unless he is affiliated, as determined by the appropriate entry on his official election registration card, with the same political party as that by which the elected predecessor in such office was designated on the election ballot.

[Formerly 236.135]

VACANCIES IN AND REMOVAL FROM STATE AND FEDERAL OFFICES

236.110 [Repealed by 1957 c.608 §231]

236.120 Manner of filling vacancy of United States Representative. Whenever a vacancy occurs in the office of Representative in Congress, the Governor shall issue his writ of election to fill such vacancy. The writ shall be directed to the county clerk of each county composing the congressional district in which the vacancy occurs, commanding him to hold a special election to fill the vacancy at the time appointed by the Governor.

[Amended by 1957 c.608 §229]

236.130 Manner of filling vacancy of United States Senator. Whenever there is a vacancy in the office of Senator of the United States, the Governor shall fill the vacancy by appointment until such time as the vacancy is filled by a Senator of the United States regularly elected and qualified.

236.135 [1953 c.473 §1; renumbered 236.100]

236.137 Appointment to fill vacancy of district attorney. Any person who is, except for his failure to meet the political party affiliation requirement of ORS

236.100, eligible for appointment to fill a vacancy in the office of district attorney for a county may be appointed to fill such vacancy if:

(1) There is no other person residing in the county who possesses the legal qualifications for the appointment; or

(2) Each person residing in the county who possesses the legal qualifications for the appointment has refused to accept the appointment, such refusal being evidenced by a signed statement to that effect addressed to and in the possession of the Governor.

[1955 c.210 §1]

236.140 Term, removal from, vacancy in appointive offices. Any person holding an appointive office in any of the offices, departments or institutions of this state, shall hold the same for an indefinite term, not exceeding four years, and shall at all times be subject to removal by the appointive power which made the appointment. The appointive power may in all cases appoint a successor.

236.145 State board or commission members prohibited from accepting certain positions. No person who has been appointed by the Governor to serve on a state board or commission shall accept a salaried position with such body during his tenure on, or within one year after his resignation or retirement from, such board or commission.

[1953 c.594 §1]

236.150 Recess appointment by Governor. Whenever a vacancy occurs during the recess of the legislature in any office which the legislature is authorized to fill by election, the Governor, unless it is otherwise specially provided, may appoint some suitable person to perform the duties of such office.

236.160 Qualification and term of interim appointees. Any person appointed pursuant to ORS 236.150 shall, before proceeding to execute the duties assigned him, qualify in the same manner as required by law of the officer in whose place he is appointed, and he shall continue to exercise and perform the duties of the office to which he is appointed until the vacancy is regularly supplied as provided by law.

236.170 to 236.200 [Reserved for expansion]

VACANCIES IN AND REMOVAL FROM COUNTY OFFICES

236.210 Filling vacancies in county and precinct offices. When there is a vacancy in the office of county clerk, sheriff, coroner or any county or precinct office, some suitable person shall be appointed by the county court or board of county commissioners to perform the duties of the office until the vacancy is regularly supplied as provided by law. Before proceeding to execute the duties assigned him, the person appointed shall qualify in the same manner as required by law of the officer in whose place he is appointed.

236.220 Deputy to fill vacancy in certain offices until person appointed qualifies. (1) During the interval between the time when a vacancy occurs in any county office, except the office of county commissioner, and the time when the person appointed by the county court or board of county commissioners to fill the vacant office qualifies therefor, the chief deputy of the affected office shall perform all the official acts and duties of such office.

(2) During the period the chief deputy serves as provided in subsection (1) of this section, he shall be deemed to continue to occupy the position of chief deputy for the purpose of determining his status and rights under the Civil Service Law and Public Employes' Retirement System, and such service shall in no respect affect his status or rights under those systems.

[Amended by 1963 c.161 §1]

236.230 Filling of vacancy in office of recorder. In case of a vacancy in the office of recorder of conveyances it shall be filled by the county judge and county commissioners of the county by appointment of some suitable person.

236.240 Removal of county treasurer from office. Whenever suit has been commenced on the official bond of any delinquent treasurer, he may be removed by the county court of his county.

236.250 Removal of Clackamas County auditor; filling of vacancy. If at any time the county court of Clackamas County desires to remove the county auditor it may do so by filing a petition in the circuit court, stating the reasons why he should be removed. The circuit court may hear such petition in a summary manner and may either grant or deny the petition. If the circuit court grants the petition, the county court may remove the auditor and declare the office vacant. If the petition is denied by the circuit court, all proceedings shall cease and no

further steps for the removal of the auditor shall be taken for a period of 90 days. There shall, in either event, be no appeal from the decision of the circuit court, and its decision shall be final. In case of removal of the auditor, the county court shall, within 10 days, appoint an auditor who shall qualify as such. Any vacancy in the office of county auditor shall be filled by the county court for the unexpired term.

236.260 to 236.300 [Reserved for expansion]

RESIGNATIONS

236.310 Right of officers to resign. Any person who receives a certificate of election as a member of the Legislative Assembly, coroner or commissioner of the county court is at liberty to resign his office, though he may not have entered upon the execution of its duties or taken the requisite oath of office.

236.320 Recipient of resignation. Resignation shall be made as follows:

(1) By the Secretary of State, State Treasurer and all officers elected by the legislature, to the Governor.

(2) By all officers who hold their offices by election, to the officer authorized by law to order a special election to fill the resulting vacancy.

(3) By all other officers holding their offices by appointment, to the body, board or officer that appointed them.

236.330 to 236.400 [Reserved for expansion]

EMERGENCY INTERIM SUCCESSION IN EVENT OF ENEMY ATTACK WHEN OFFICERS UNAVAILABLE; TEMPORARY SEATS OF GOVERNMENT

(Definitions)

236.405 Definitions for ORS 236.405 to 236.540. As used in ORS 236.405 to 236.540, unless the context requires otherwise:

(1) "Attack" means any action or series of actions by an enemy of the United States which causes substantial damage or injury to persons or property in this state by sabotage, bombs, missiles, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or methods.

(2) "Emergency interim successor" means an individual designated to succeed to the powers and duties of an office, but not to the office, (a) only until the holder of the office or an individual preceding the emergency interim successor in the order of succession is able to exercise the powers and discharge the duties of the office, or (b) in the event of a vacancy, until the office is filled by election or appointment.

(3) "Office" includes all state and local offices, the powers and duties of which are defined by the Constitution, statutes, charters or ordinances of this state or political subdivisions therein, except the office of Governor, but does not include the positions of deputies, assistants or other subordinates of those offices.

(4) "Political subdivision" includes counties, cities, districts, authorities and other public corporations and entities organized and existing under statute or charter.

(5) "Unavailable" means absent or unable to exercise the powers and discharge the duties of an office, and includes vacancy. [1961 c.287 §1]

236.410 [Reserved for expansion]

(Executive and Administrative Officers)

236.415 Purposes of ORS 236.415 to 236.425, 236.440, 236.445 and 236.460 to 236.475. Because of the possibility of attack upon the United States of unprecedented size and destructiveness, and in order, in the event of an attack, to assure continuity of government through legally constituted leadership, authority and responsibility in offices of the government of the state and its political subdivisions; to provide for the effective operation of governments during an emergency; and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to adopt special provisions in ORS 236.415 to 236.425, 236.440, 236.445 and 236.460 to 236.475 to provide for:

(1) Emergency interim successors to the powers and duties of Governor, and

(2) Emergency interim successors to the powers and duties of other governmental offices of this state and political subdivisions therein in the event the officers and their deputies, assistants or other subordinates authorized by law to exercise all the powers and discharge all the duties of such offices are unavailable to exercise the powers and discharge the duties of such offices. [1961 c.287 §2]

236.420 Emergency succession to office of Governor by senior circuit judge; tabulation of circuit judges by Judicial Council. (1) The circuit judge senior in time of service

as a circuit judge, or the circuit judge next in seniority in time of service as a circuit judge, who is available, if the circuit judge senior in service is unavailable, is the emergency interim successor to the powers and duties of the office of Governor in the event, following an attack, that:

(a) The Governor, for any reason specified in section 8, Article V of the Oregon Constitution, is not able to exercise the powers and discharge the duties of his office, or is unavailable, and

(b) The President of the Senate, the Speaker of the House of Representatives, the Secretary of State and the State Treasurer, for any of the reasons specified in section 8, Article V of the Oregon Constitution, are not able to exercise the powers and discharge the duties of the Governor, or are unavailable.

(2) A judge who succeeds to the powers and discharges the duties of the office of Governor under this section is not required to resign his judgeship. No emergency interim successor to the powers and duties of the office of Secretary of State or State Treasurer, or to the powers and duties of those members of the Legislative Assembly who are President of the Senate or Speaker of the House, may succeed to the powers and duties of the office of Governor.

(3) The Judicial Council of the State of Oregon shall file with the Secretary of State a list of all circuit judges and shall keep the list current at all times. The list shall include the name, length of service and the age of each circuit judge. If two judges have served equal lengths of time, the older judge precedes the younger as emergency interim successor.

[1961 c.287 §3]

236.425 Emergency succession to state executive offices; designations to be filed. (1) Each state officer of the executive department shall designate emergency interim successors to the powers and duties of his office and specify their order of succession. The designated emergency interim successors shall be in addition to deputies, assistants or other subordinates authorized by law to exercise all the powers and discharge all the duties of the office. Officers shall review and revise, as necessary, designations made pursuant to this section to insure their current status. Officers shall designate a sufficient number of emergency interim successors so that there will not be less than three, nor more than seven, deputies or emergency interim successors or any combination thereof at any time. Designations shall be in writing and filed with the Secretary of State and shall be public records.

(2) In the event that any officer is unavailable following an attack, and in the event his deputies, assistants or other subordinates authorized by law to exercise all the powers and discharge all the duties of the office, if any, are also unavailable, designated emergency interim successors shall succeed to the powers and duties of his office in the order specified.

[1961 c.287 §4]

236.430 Emergency temporary locations for seat of state government. Whenever, due to an attack or the imminence of an attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the permanent seat of government, the Governor by proclamation, as often as the exigencies of the situation require, shall declare one or more emergency temporary locations for the seat of government or functions of state government, at one or more places within this state as he considers advisable under the circumstances. He shall take action and issue orders necessary for an orderly transition of the affairs of state government to the emergency temporary location or locations. The emergency temporary location or locations shall remain as the seat of government or functions of state government until the emergency is declared to be ended by the Governor or the Legislative Assembly, and the seat of government or functions of state government are returned to their permanent location.

[1961 c.287 §23]

236.435 Validity of official acts at temporary seat of state government. During such time as the seat of government or functions of state government remain at an emergency temporary location or locations, all official acts required by law to be performed at a permanent location by any officer, agency, department or authority of this state, including the convening and meeting of the Legislative Assembly in regular or special session, are as valid and binding when performed at the emergency temporary location or locations as if performed at the permanent location.

[1961 c.287 §24]

236.440 Emergency succession to city and county offices. With respect to local offices for which the governing bodies of cities and counties may enact resolutions or ordinances relative to the manner in which vacancies shall be filled or temporary appointments to office made, the governing bodies may enact resolutions or ordinances providing for emergency interim successors to the powers and duties of offices of such cities and counties. Such resolutions and ordinances may not be inconsistent with the provisions of this section and ORS 236.415 to 236.425, 236.445 and 236.460 to 236.475.
[1961 c.287 §5]

236.445 Emergency succession to offices of political subdivision other than county or city. (1) Subject to such regulations as the executive head of the political subdivision may issue, officers of political subdivisions other than counties and cities may designate by title, if possible, or otherwise by named individual, emergency interim successors to the powers and duties of offices and shall specify their order of succession. Officers shall review and revise their designation as necessary. Officers shall designate a sufficient number of individuals so that there will be not less than three, nor more than seven, deputies or emergency interim successors or any combination thereof at any time.

(2) In the event that an officer or his deputy provided by law is unavailable, the emergency interim successor shall succeed to the powers and duties of the office in the order specified. The emergency interim successor shall succeed to the powers and duties of the office until (a) such time as a vacancy which may exist is filled in accordance with the Oregon Constitution or statutes, or (b) the officer, the officer's deputy or an emergency interim successor who precedes him becomes available to exercise the powers and discharge the duties of the office.
[1961 c.287 §6]

236.450 Emergency temporary locations for government of political subdivision. Whenever, due to an attack or the imminence of an attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at the regular or usual places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding officer or any two members of the governing body. The governing body shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location or locations where all or any part of the public business may be transacted and conducted during the emergency. Such sites or places may be within or without the territorial limits of the political subdivision, but shall be within this state.
[1961 c.287 §25]

236.455 Conduct and validity of governmental functions of political subdivision performed at temporary location. During the period when public business is being conducted at an emergency temporary location or locations, the governing body and other officers of a political subdivision of this state shall possess and exercise, at such location or locations, all the executive, legislative and judicial powers and functions conferred upon such body and officers under the Constitution and laws of this state. Such powers and functions may be exercised in light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law, and all acts of such body and officers are as valid and binding as if performed within the territorial limits of the political subdivision.
[1961 c.287 §26]

236.460 Oath of emergency interim successors. At the time of their designation, emergency interim successors shall take the oath provided by law for the office. Notwithstanding any other provision of law, no individual shall be required to comply with any other provision of law relative to taking office as a prerequisite to the exercise of the powers or duties of an office to which he succeeds.
[1961 c.287 §7]

236.465 Emergency successor to assume duties if officer unavailable after attack; termination of successors' authority. Emergency interim successors are empowered to succeed to the powers and duties of an office only after an attack and in the event that the officer and his deputies, assistants or other subordinates authorized by law to exercise all the powers and discharge all the duties of the office are unavailable. The Legislative Assembly, by concurrent resolution, may at any time terminate the authority of

emergency interim successors to exercise the powers and duties of the office to which they have succeeded.
[1961 c.287 §8]

236.470 Designation effective until successor removed or replaced. The designation of an individual as an emergency interim successor is effective until the individual is removed or replaced by the designating officer or a successor to his office. The designating officer or successor in office may remove or replace individuals so designated at any time, with or without cause.
[1961 c.287 §9]

236.475 Settlement of disputes with respect to executive offices under ORS 236.415 to 236.425, 236.440, 236.445 and 236.460 to 236.475. Any question of fact arising under ORS 236.415 to 236.425, 236.440, 236.445 and 236.460 to 236.475 with respect to an office in the executive branch of government, except a dispute of fact relative to the office of Governor, shall be decided by the Governor or the individual authorized under ORS 236.415 to 236.425, 236.440, 236.445 and 236.460 to 236.475 to succeed to the powers and duties of the office of Governor. A decision under this section is final and not subject to appeal.
[1961 c.287 §10]

236.480 [Reserved for expansion]

(Legislators)

236.485 Purposes of ORS 236.490 to 236.540. Recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the Legislative Assembly. To conform in time of attack to existing legal requirements pertaining to the Legislative Assembly would be impracticable, would admit of undue delay and would jeopardize continuity of operation of a legally constituted Legislative Assembly. It is therefore necessary to adopt in ORS 236.490 to 236.540 special provisions for the effective operation of the Legislative Assembly.
[1961 c.287 §11]

236.490 Legislators to designate emergency successors. Each member of the Legislative Assembly shall designate not fewer than three nor more than seven emergency interim successors to his powers and duties and specify their order of succession. Each member shall review and, as necessary, revise the designations of emergency interim successors to his powers and duties to insure that at all times there are at least three designated emergency interim successors.
[1961 c.287 §12]

236.495 Qualifications of legislative emergency successor; designation effective at pleasure of legislator. No individual may be designated or serve as an emergency interim successor to a member of the Legislative Assembly unless he may, under the Oregon Constitution and statutes, hold the office of the member to whose powers and duties he is designated to succeed. However, no constitutional or statutory provision prohibiting a member from holding another office, or prohibiting the holder of another office from being a member, applies to an emergency interim successor. The designation of an emergency interim successor is effective during the pleasure of the member designating him or of any subsequent incumbent of the legislative office.
[1961 c.287 §13]

236.500 Designation of emergency successors when legislator fails to act. (1) If a member of the Legislative Assembly has failed to designate at least three emergency interim successors within 30 days after he takes office, or if for any reason the number of emergency interim successors for any member falls below three and remains below three for a period of 30 days, the county courts or boards of county commissioners authorized under ORS 171.060 to fill a vacancy that cannot be filled by the voters of the legislative district or subdistrict affected shall promptly designate as many emergency interim successors, of the same political party as the member, as are required to achieve the required minimum number. However, the courts or boards may not assign to any of their designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by the member for succession to his own powers and duties.

(2) The designation of an emergency interim successor under subsection (1) of this section is effective during the pleasure of the county courts or boards of county commissioners that designated him, but a member for whom an emergency interim successor is designated or any subsequent incumbent of the office may change the rank

in order of succession or replace at his pleasure any emergency interim successor so designated.
[1961 c.287 §14]

236.505 Designations and changes effective when filed; duties of Secretary of State and presiding officers. Each designation of an emergency interim successor becomes effective when the member of the Legislative Assembly, or the county courts or boards of county commissioners making the designation files with the Secretary of State the successor's name, address and rank in order of succession. The removal of an emergency interim successor or a change in order of succession becomes effective when the member or the county courts or boards so acting files this information with the Secretary of State. All such information shall be open to public inspection. The Secretary of State shall inform the Governor, the Director of Civil Defense, the presiding officer of the house concerned and all emergency interim successors, of all such designations, removals and changes in order of succession. The presiding officer of each house shall enter all information regarding emergency interim successors for the house in its journal at the beginning of each session and shall enter all changes in membership or order of succession as soon as possible after their occurrence.
[1961 c.287 §15]

236.510 Successor to take oath upon assuming duties of legislator. Before succeeding to the duties of a member of the Legislative Assembly, each emergency interim successor shall take the oath provided in section 31, Article IV of the Oregon Constitution.
[1961 c.287 §16]

236.515 Emergency successors to keep informed on legislative matters. Emergency interim successors shall keep generally informed as to the duties, procedures, practices and current business of the Legislative Assembly. Each member shall assist his emergency interim successors in keeping themselves so informed.
[1961 c.287 §17]

236.520 Legislature to convene promptly after attack. In the event of an attack, the Governor shall convene the Legislative Assembly as soon as practicable, but in any case not later than 90 days after the inception of the attack. If the Governor fails to convene the Legislative Assembly within the prescribed time, the Legislative Assembly shall convene 90 days after the inception of the attack at the place where the Governor then has his office. If the attack results in a vacancy in the office of Governor which cannot immediately be filled as provided in section 8, Article V of the Oregon Constitution, the Legislative Assembly shall immediately convene at the place where the office of the Governor is then located. Each member of the Legislative Assembly and each emergency interim successor, unless he is certain that the member to whose powers and duties he is designated to succeed or any emergency interim successor higher in order of succession will be available, shall proceed to the place of session as expeditiously as practicable.
[1961 c.287 §19]

236.525 Convening legislature outside capital. Whenever in the event of an attack, or upon finding that an attack may be imminent, the Governor deems the place of session provided in section 10, Article IV of the Oregon Constitution, to be unsafe, he may proclaim that the place of the session shall be at a designated place within the state.
[1961 c.287 §18]

236.530 Emergency successor to assume duties if legislator unavailable; each house to determine and regulate membership. If, in the event of an attack, a member of the Legislative Assembly is unavailable, his emergency interim successor highest in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, succeed to the powers and duties of the member. Each house of the Legislative Assembly shall, in accordance with its own rules, determine who is entitled under ORS 236.490 to 236.540 to exercise the powers and duties of its members. All constitutional and statutory provisions pertaining to punishment, expulsion and recall of a member apply to an emergency interim successor who has succeeded to the powers and duties of a member.
[1961 c.287 §20]

236.535 Perquisites of office for emergency successor serving as legislator. When an emergency interim successor succeeds to the powers and duties of a member of the Legislative Assembly, he shall be accorded the privileges and immunities, compensation, allowances and other perquisites of office to

which a member is entitled. In the event of an attack, each emergency interim successor, whether or not he succeeds to the powers and duties of a member, shall be accorded the privileges and immunities of a member while traveling to and from a place of session and shall be compensated for his travel in the same manner and amount as a member. This section does not in any way affect the privileges, immunities, compensation, allowance or other perquisites of office of an incumbent member.
[1961 c.287 §21]

236.540 Termination of authority of legislative emergency successors; restoration and extension. (1) Except as provided in subsection (2) of this section, the authority of emergency interim successors to succeed to the powers and duties of members of the Legislative Assembly expires two years after the inception of an attack. However, nothing in ORS 236.490 to 236.540 prevents the resumption before such time of the filling of legislative vacancies and the calling of elections for the Legislative Assembly in accordance with applicable constitutional and statutory provisions.

(2) Notwithstanding subsection (1) of this section, the Governor acting by proclamation, or the Legislative Assembly acting by concurrent resolution, may from time to time extend or restore such authority upon a finding that events render the extension or restoration necessary. However, no extension or restoration may be for a period of more than one year.
[1961 c.287 §22]

236.550 to 236.600 [Reserved for expansion]

TRANSFER OF PUBLIC EMPLOYES

236.610 Rights of employe when duties assumed by different public employer. (1) No public employe shall be deprived of his employment solely because the duties of his employment have been assumed or acquired by another public employer, whether or not an agreement, annexation or consolidation with his present employer is involved. Notwithstanding any statute, charter, ordinance or resolution, but subject to ORS 236.610 to 236.640, the public employe shall be transferred to the employment of the public employer who assumed or acquired his duties, without further civil service examination.

(2) As used in subsection (1) of this section, "public employe" means an employe whose salary or wages is paid from public funds.

(3) In transferring a public employe under subsection (1) of this section, his employer shall furnish the employment records of that employe to the transferee employer at the time of transfer. The time of transfer shall be by written agreement between the public employers involved.
[1963 c.204 §§1, 2]

236.620 Terms of employment after transfer; retirement; seniority. A public employer who receives a transferred employe under subsection (1) of ORS 236.610 shall place that employe on its employe roster, subject to the following:

(1) If the employe was serving a probationary period with his employer at the time of transfer, his past service on probation shall apply on the regular probation requirements of the transferee employer.

(2) The employe at his option may elect to continue under any retirement system in which he was participating prior to his transfer or he may elect to participate in the retirement system available to employes of the transferee employer providing he meets the qualifications. The employe's election shall be in writing and made within 30 days after his transfer. If the employe elects to continue under the retirement system in which he was previously participating, the transferee employer shall contribute to the system the same as did the prior employer.

(3) The employe shall retain the seniority he accrued under his prior employment, provided no regular employe of the transferee employer shall be demoted or laid off by reason of that seniority.

(4) The employe otherwise shall enjoy the same privileges and be subject to the same regulations as other employes of the transferee employer.
[1963 c.204 §3]

236.630 Authority of new employer over transferred employe. A public employer who receives a transferred employe under subsection (1) of ORS 236.610 shall place that employe in a position comparable to the position he enjoyed under his prior employment, subject to the following:

(1) The transferee employer, in determining a comparable position, shall consider the employe's educational and physical qualifications, experience, and the salary, duties and responsibilities of his prior employment.

(2) If the transferee employer finds that no comparable position exists under subsection (1) of this section, the employe shall be offered a lesser position, if such position is available, according to his qualifications, by the transferee employer. The finding and action of such employer under this subsection, and subsection (3) of this section, shall be subject to a hearing upon the employe's request and subject to review under ORS 34.010 to 34.100.

(3) If the transferee employer finds that no position exists, the employe shall be listed as a regular laid-off employe and shall have priority to appointment over other persons eligible for any position for which he is qualified.

[1963 c.204 §4]

236.640 Reemployment right of employe at end of cooperation agreement. At the end of a cooperation agreement the employe transferred shall be entitled to his position with the transferring employer prior to transfer, if he has remained an employe of the transferee employer in good standing to the termination of the agreement.

[1963 c.204 §5]

236.650 to 236.980 [Reserved for expansion]

PENALTIES

236.990 Penalties. Violation of ORS 236.145 is punishable, upon conviction, by a fine not to exceed $1,000.

[1953 c.594 §2]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel