Proposed rule to define *unclassified service* within the Oregon University System

OAR 580-020-0006

**Summary:**
The purpose of this rule is to distinguish certain positions that do not meet the criteria for academic faculty and are not otherwise represented by a labor union.

**Background**
In 1995, Senate Bill 271 gave the Oregon University System (OUS) independent authority to administer personnel and labor relations separate from the regulations that governed other state agencies. Since that time, OUS has relied on an informal practice of categorizing employees who do not meet the criteria for academic faculty and are not otherwise represented by a labor union. Now that the Service Employees International Union Local 503 (SEIU) has asked to represent a large number of non-teaching positions, OUS needs a method to evaluate which positions are appropriate for representation by SEIU. OUS will also use this definition in conjunction with other employment practices and policies.

On March 15, 2004, OUS held a public hearing and testimony was received from SEIU, the American Association of University Professors (AAUP), and an employee at Oregon State University, which influenced the proposed language. SEIU has reviewed the proposed rule and supports the definition that OUS has developed.

**Staff Recommendation:**
Staff recommends that the Board adopt OAR 580-020-0006 as printed below.

**(Board action required: Roll call vote.)**

**OAR 580-020-0006**
**Definition of Unclassified Service**
Unclassified service includes positions that do not meet the criteria for academic faculty but which, based on professional job requirements and responsibilities:
(1) are exempt from the provisions of the Public Employee Collective Bargaining Act (PECBA), ORS 243.650-243.782; however, not all positions in unclassified service are exempt from PECBA, or
(2) share a community of interest with academic faculty, and
(a) include academic research, public service, or instruction, or
(b) exercise discretion in establishing policy, or
(c) require education and training comparable to academic faculty, or
(d) have administrative decision-making responsibilities beyond office clerical duties.
Examples of positions that may meet the criteria listed above include, but are not limited to:
(1) Chancellor, Chancellor’s cabinet;
(2) Presidents, president’s cabinet;
(3) Provosts, vice provosts, associate vice provosts, and assistant vice provosts;
(4) Vice presidents and associate vice presidents;
(5) Deans and associate deans;
(6) Directors and associate directors of academic, administrative, and service units;
(7) Controllers and budget officers;
(8) Registrars and associate registrars;
(9) Legal counsel and attorneys;
(10) Athletic directors and associate athletic directors;
(11) Executive and other special assistants to each of the positions listed in numbers one through ten (above), providing that the executive or other special assistant positions otherwise meet the criteria for unclassified service (stated above);
(12) Assistant vice presidents, assistant deans, department heads/chairs, assistant directors, managers, and assistant registrars where positions require specialized/degree education and training;
(13) Librarians, archivists, and museum or collection curators where positions require specialized/degree education and training or where responsibilities include academic research or instruction but does not include positions having primarily clerical responsibilities;
(14) Advisors and counselors, including academic, financial aid, admissions, career, residential life, and athletic, where positions require specialized/degree education and training;
(15) Assistant athletic directors, athletic coaches, assistant athletic coaches, athletic trainers, assistant athletic trainers, and athletic eligibility and compliance officers where positions require specialized/degree education and training;
(16) Interpreters;
(17) Development and advancement officers where positions require specialized/ degree education and training;
(18) Physicians, psychologists, and clinical counselors where positions require specialized/degree education and training;
(19) General managers, directors, producers, and announcers of state radio and television service;
(20) Managers, directors and administrators of student affairs functions, where positions require specialized/degree education and training.