MINUTES FOR THE MEETING OF THE EXECUTIVE COMMITTEE
TELEPHONIC CONFERENCE CALL

SEPTEMBER 23, 2004

Table of Contents

ACTION ITEM
Permanent Rule on Transfer of Sick Leave, OAR 580-021-0041 .......................... 545
1. CALL TO ORDER/ROLL CALL/WELCOME

Chair Henry Lorenzen called the meeting of the State Board of Higher Education’s Executive Committee to order at 4:33 p.m.

Executive Committee members present: Don Blair, Gretchen Schuette, and Henry Lorenzen. Geri Richmond was excused due to potential conflict of interest.

Other Board members present: None.

Others present included: Ryan J. Hagemann, Ben Rawlins, Denise Yunker.

Other meeting attendees included OUS staff, faculty, and interested observers.

2. ACTION ITEM

a. Permanent Rule on Transfer of Sick Leave, OAR 580-021-0041

DOCKET ITEM:

Permanent Rule on Transfer of Sick Leave
OAR 580-021-0041

Staff Report to the Board:
In September 2003, the Human Resources Division of the Department of Administrative Services requested that OUS permit unclassified employees and faculty hired by other state agencies to transfer their accumulated sick leave balances to the hiring agencies.

This rule expands the current acceptance of accumulated leave by OUS institutions to allow employees hired by state agencies to take their accrued sick leave with them. The hiring agency accepts the financial responsibility for sick leave that it accepts from OUS institutions.

Since adoption as a temporary rule on April 6, 2004, OUS institutions reported by phone survey to campus employment managers that the transfer of sick leave between the OUS and other state agencies has been utilized four times.
Public comment on the proposed rule was held on September 15, 2004. The hearings officers' report shows that no testimony on this rule was given at the hearing. No other public comment on the rule has been received by the OUS.

**Recommendation to the Board:**
Staff recommends that the Board adopt OAR 580-021-0041, effective upon filing.

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

580-021-0041  
Transfer of Accumulated, Unused Sick Leave

(1) OUS academic and administrative unclassified staff may transfer unused accumulated leave balances between the OUS and state agencies, subject to sick leave transfer provisions in (3) and (4), and applicable collective bargaining agreements.

(2) For purposes of this rule, a “state agency” includes all state agencies in the executive, judicial, or legislative departments of the State of Oregon. Special government bodies, including community colleges, school districts, education service districts, are not considered state agencies for purposes of this rule. Local government public employers other than state agencies are likewise ineligible to transfer unused leave to or from the OUS.

(3) Assumption of Funding Liability. Hiring agencies and departments assume funding liability for sick leave transferred under the provisions of this rule.

(4) Sick Leave. The full amount of accumulated, unused sick leave available at the time an employee separates from service may be transferred to an OUS institution or state agency when the employee is hired. Unearned, advanced sick leave that results in a negative sick leave balance is neither transferred nor accepted by OUS institutions.

   a. Accumulated, unused state agency sick leave earned during employment with a state agency, including leave earned in classified service, may be transferred to the hiring OUS institution if the break in service does not exceed two years, subject to approval of the hiring institution.

   b. Accumulated, unused sick leave earned during employment with an OUS institution shall be transferred to the hiring state agency if the break in service does not exceed two years, subject to the rules of the state agency.

Stat Auth: ORS 351.070  
Rules Relied On: OAR 580-020-0100(5); OAR 580-021-0040.
BOARD DISCUSSION AND ACTION:

After noting Director Richmond’s excused absence, Chair Lorenzen introduced Denise Yunker to explain the permanent rule for the transfer of sick leave. Yunker stated the issue was a simple translation of a temporary rule into a permanent rule. She noted the proposed rule came at the request of the Oregon Department of Administrative Services, who wanted to offer a bidirectional transfer of sick leave for employees hired by state agencies or by the Oregon University System.

Chair Lorenzen noted that Executive Committee members were familiar with the proposal and, unless there were any questions, he believed the Committee was ready for a motion. Both Directors Blair and Schuette stated they understood the proposal. Chair Lorenzen called for a motion. Director Blair moved to adopt the rule as proposed by staff, and Director Schuette seconded the motion. On roll call vote, Chair Lorenzen and Directors Blair and Schuette voted yes. Motion passed.

3. ADJOURNMENT

Chair Lorenzen adjourned the meeting at 4:39 p.m.

Ryan J. Hagemann
Secretary to the Board

Henry C. Lorenzen
Chair, Executive Committee