

CIVIL SERVICE ACT

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Section 21. 1. Whenever a reduction in employes is required because of a shortage of funds or work or a material change in duties or organization, employes shall be laid off by appointing authorities and under rules, which shall take into account length of service and merit rating.

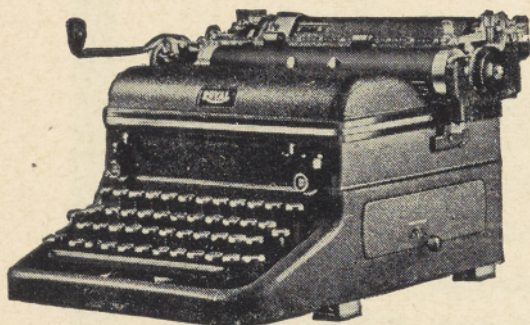
2. In every case of lay-off of a regular employe, the appointing authority shall, 15 days before the effective date thereof, give written notice to the employe and the director. In any case where an appointing authority refuses, or fails to certify before the effective date thereof, that the lay-off was for reasons not reflecting discredit on the employe, it shall be deemed a dismissal and shall be subject to the provisions concerning dismissals as provided in this act.

3. Subject to the rules, a regular employe whose position may be discontinued or reclassified may be transferred to a vacant position in the same or comparable class, or may elect to accept voluntary transfer to a vacant position for which he is qualified and has his name placed upon an appropriate reemployment list. An incumbent of a reclassified position may be retained in the position under the new classification, or, advanced thereto if he passes a non-competitive test for the new position.

Section 22. The commission, by rule, shall establish a procedure in accordance with this act whereby the appointing authority in any division may suspend, reduce, demote or dismiss such employe for misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance, or other unfitness to render effective service, and for the investigation and public hearing of appeals of such suspended, reduced, demoted or dismissed employe.

The appointing authority for disciplinary purposes may suspend without pay a regular employe for a period not exceeding 30 days in any 12 months.

Section 23. A regular employe who is reduced, dismissed, suspended or demoted, shall have the right to appeal to the commission not later than 10 days after the effective date of such reduction, dismissal, suspension or demotion. Such appeal shall be in writing and shall be heard by the commission within 40 days after its receipt. The commission shall furnish the division



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concerned with a copy of the appeal in advance of the hearing. The hearing shall be open to the public and informal. Both the employe and his appointing authority shall be notified reasonably in advance of the hearing and shall have the right to have subpoenas issued, present witnesses and give evidence before the commission.

If the commission finds that the action complained of was taken by the appointing authority for any political, religious or racial reasons, the employe shall be reinstated to his position and shall not suffer any loss in pay. In all other cases, the findings of the commission shall be submitted to and considered by the appointing authority, who shall make a final decision disposing of the appeal, which decision shall not be reviewable by any court. If such final decision is in favor of the employe the appointing authority may reinstate him. When any regular employe is dismissed and is not reinstated after appeal, the commission shall, where the circumstances are found to warrant reemployment, place his name on an appropriate reemployment list.

Section 24. 1. Subject to the rules the commission may enter into agreement with any municipality or political subdivision of the state to furnish services and facilities of the department to such municipality or political subdivision in the administration of its personnel on merit principals. Any such agreement shall provide for the reimbursement to the state of the cost of the services and facilities furnished. All municipalities and political subdivisions of the state are hereby authorized to enter into such agreements.

2. The commission may cooperate with governmental agencies for other jurisdictions charged with personnel administration in conducting joint tests and establishing joint lists from which eligibles shall be certified for appointment in accordance with the provisions of this act.

Section 25. Each member of the commission shall have power to administer oaths, subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing authorized by this act. Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing shall be guilty of a misdemeanor.

Section 26. All officers and employes of the state and of municipalities and political subdivisions of the state shall allow the department the reasonable use of public buildings under their control, and furnish heat, light, and furniture, for any examination, hearing or investigation authorized by this act. The department shall pay to a municipality or political subdivision the reasonable cost of any such facilities furnished by it.

Section 27. 1. All officers and employes shall furnish any records or information, except records made confidential by sta-

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