

A-Engrossed
House Bill 3357

Ordered by the House May 8
Including House Amendments dated May 8

Sponsored by COMMITTEE ON BUSINESS AND LABOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Modifies conditions under which injured state worker may lose reinstatement and reemployment rights. Requires state employer to establish return-to-work program for injured worker under certain circumstances. Requires amount of temporary disability benefits to be adjusted based on state worker's wage at time of aggravation or new injury.]

Requires Oregon Department of Administrative Services to adopt process to identify entry level and light duty assignments for injured state workers.

Creates Task Force on Injured Workers to study alternative approaches to returning injured workers to employment and make recommendations for legislative changes.

Sunsets task force on date of convening of next regular legislative session.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to injured state workers; creating new provisions; amending ORS 659A.052; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 659A.052 is amended to read:

6 659A.052. (1) For the purpose of administration of ORS 659A.043 and 659A.046:

7 (a) An injured worker employed at the time of injury by any agency in the legislative depart-
8 ment of the government of this state shall have the right to reinstatement or reemployment at any
9 available and suitable position in any agency in the legislative department.

10 (b) An injured worker employed at the time of injury by any agency in the judicial department
11 of the government of this state shall have the right to reinstatement or reemployment at any avail-
12 able and suitable position in any agency in the judicial department.

13 (c) An injured worker employed at the time of injury by any agency of the executive or admin-
14 istrative department of the government of this state shall have the right to reinstatement or reem-
15 ployment at any available and suitable position in any agency of the executive or administrative
16 department.

17 (2) Notwithstanding ORS 659A.043 and 659A.046, an injured worker referred to in subsection (1)
18 of this section has preference for entry level and light duty assignments with agencies described in
19 subsection (1) of this section. In accordance with the provisions of ORS chapter 183, any agency
20 referred to in subsection (1) of this section *[may adopt rules to define]* **by rule shall adopt a process**
21 **to identify** entry level and light duty assignments. However, the rulemaking power for all agencies
22 referred to in subsection (1)(c) of this section shall be exercised by the Administrator of the Per-
23 sonnel Division.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (3) In accordance with any applicable provision of ORS chapter 240, the Administrator of the
2 Personnel Division [may] **shall** compel compliance with this section and ORS 659A.043 and 659A.046
3 by any agency referred to in subsection (1)(c) of this section.

4 **SECTION 2. (1) There is created the Task Force on Injured Workers, consisting of seven**
5 **members appointed as follows:**

6 (a) **The Director of the Oregon Department of Administrative Services shall appoint one**
7 **member.**

8 (b) **The board of directors of the State Accident Insurance Fund Corporation shall ap-**
9 **point one member.**

10 (c) **Each of the two largest labor organizations representing state employees shall appoint**
11 **one member.**

12 (d) **The Governor shall appoint two members who are or were injured workers and who**
13 **were eligible for collective bargaining at the time of the injury.**

14 (e) **The Governor shall appoint one member of the Workers' Compensation**
15 **Management-Labor Advisory Committee.**

16 (2) **The task force shall review the policies of the state, including policies of the Oregon**
17 **Department of Administrative Services, relating to an injured worker's return to work by**
18 **reinstatement or reemployment. The task force shall study alternative approaches to re-**
19 **turning injured workers to employment, and shall make recommendations for any legislative**
20 **changes the task force finds necessary.**

21 (3) **A majority of the members of the task force constitutes a quorum for the transaction**
22 **of business.**

23 (4) **Official action by the task force requires the approval of a majority of the members**
24 **of the task force.**

25 (5) **The task force shall elect one of its members to serve as chairperson.**

26 (6) **If there is a vacancy for any cause, the appointing authority shall make an appoint-**
27 **ment to become immediately effective.**

28 (7) **The task force shall meet at times and places specified by the call of the chairperson**
29 **or of a majority of the members of the task force.**

30 (8) **The task force may adopt rules necessary for the operation of the task force.**

31 (9) **The task force shall make a report to the appropriate interim committee that reflects**
32 **the results of the committee's review and any proposed legislative changes.**

33 (10) **All agencies of state government, as defined in ORS 174.111, are directed to assist**
34 **the task force in the performance of its duties and, to the extent permitted by laws relating**
35 **to confidentiality, to furnish such information and advice as the members of the task force**
36 **consider necessary to perform their duties.**

37 **SECTION 3. Section 2 of this 2007 Act is repealed on the date of the convening of the next**
38 **regular biennial legislative session.**

39 **SECTION 4. This 2007 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
41 **on its passage.**

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