

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Edwards C., Esquivel, Holvey, Kennemer, Matthews, Thatcher, Witt, Schaufler
Nays:	0
Exc.:	0
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	4/1

WHAT THE MEASURE DOES: Requires Oregon Department of Administrative Services to adopt process to identify entry level and light duty assignments for injured state workers. Establishes an emergency, effective July 1, 2009.

ISSUES DISCUSSED:

- Philosophy of Department of Administrative Services in returning injured workers to the job
- How the measure establishes policies that already exist in the private sector
- Intent to write rule in manner similar to current state human resources policy regarding return-to-work
- Process of placing injured workers into entry level or light duty assignments
- Whether injured workers would be placed into vacant positions or replace existing workers
- Support from the Management-Labor Advisory Committee

EFFECT OF COMMITTEE AMENDMENT: Corrects scrivener's error regarding the correct provision of the measure pertaining to state agencies. Clarifies that the Administrator of the Department of Administrative Services Personnel Division must adopt by rule a process to identify entry level and light duty assignments. Modifies the emergency clause.

BACKGROUND: Under Oregon's workers' compensation system, an injured worker must be reinstated to their former position if it still exists, if the attending physician approves the worker to return to work, and the worker can fully carry out the responsibilities of that position without further injury. The right to reinstatement can be denied for reasons such as being eligible and participating in vocational assistance and refusing a bona fide offer from the employer of light duty or modified employment that is suitable prior to becoming medically stationary. Statutes that generally apply to injured worker reinstatement and reemployment also apply to state employees. While the state has established policies that allow injured workers to return to light duty assignments while recuperating or reemployed in another suitable job if they cannot return to their job, these policies are not formally established in administrative rule.

HB 2778-A directs the Department of Administrative Services Personnel Division to adopt by rule a process for identifying entry level and light duty assignments that an injured worker can perform.

4/7/2009 9:38:00 AM

This summary has not been adopted or officially endorsed by action of the committee.