

Enrolled
House Bill 2778

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of AFSCME Council 75)

CHAPTER

AN ACT

Relating to injured state workers; amending ORS 659A.052; and declaring an emergency.

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

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

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

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

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

(c) An injured worker employed at the time of injury by any agency of the executive or administrative department of the government of this state shall have the right to reinstatement or reemployment at any available and suitable position in any agency of the executive or administrative department.

[(2) Notwithstanding ORS 659A.043 and 659A.046, an injured worker referred to in subsection (1) of this section has preference for entry level and light duty assignments with agencies described in subsection (1) of this section. In accordance with the provisions of ORS chapter 183, any agency referred to in subsection (1) of this section may adopt rules to define entry level and light duty assignments. However, the rulemaking power for all agencies referred to in subsection (1)(c) of this section shall be exercised by the Administrator of the Personnel Division.]

(2) Notwithstanding ORS 659A.043 and 659A.046, an injured worker referred to in subsection (1) of this section has preference for entry level and light duty assignments with agencies described in subsection (1) of this section. The legislative and judicial departments of the government of this state may adopt rules to define entry level and light duty assignments. The Administrator of the Personnel Division by rule shall adopt a process to identify entry level and light duty assignments within the executive or administrative department of the government of this state.

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

SECTION 2. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by House April 15, 2009

Repassed by House June 1, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 28, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

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Governor

Filed in Office of Secretary of State:

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Secretary of State