

B-Engrossed
House Bill 2778

Ordered by the Senate May 21
Including House Amendments dated April 8 and Senate Amendments
dated May 21

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

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.

Requires Oregon Department of Administrative Services to adopt process to identify entry level and light duty assignments for injured state workers **employed by executive or administrative department of state**.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

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

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

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

5 659A.052. (1) For the purpose of administration of ORS 659A.043 and 659A.046:

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

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

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

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

22 **(2) Notwithstanding ORS 659A.043 and 659A.046, an injured worker referred to in sub-**
23 **section (1) of this section has preference for entry level and light duty assignments with**
24 **agencies described in subsection (1) of this section. The legislative and judicial departments**
25 **of the government of this state may adopt rules to define entry level and light duty assign-**
26 **ments. The Administrator of the Personnel Division by rule shall adopt a process to identify**

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 **entry level and light duty assignments within the executive or administrative department of**
2 **the government of this state.**

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

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

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