

SENATE AMENDMENTS TO SENATE BILL 581

By JOINT COMMITTEE ON WAYS AND MEANS

February 27

1 In line 2 of the printed bill, after the semicolon insert “creating new provisions; amending ORS
2 411.877, 411.878, 411.882, 411.886, 411.888, 411.889, 411.890, 411.892, 657.190 and 805.256; repealing
3 ORS 411.884 and 657.925; appropriating money;”.

4 Delete lines 4 through 8 and insert:

“ADMINISTRATIVE

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8 “SECTION 1. Notwithstanding ORS 293.537, the amount of \$6,000,000 is transferred from
9 the Tobacco Settlement Funds Account to the General Fund for general governmental pur-
10 poses.

11 “SECTION 2. Notwithstanding ORS 30.282 and 278.425, the amount of \$20,200,000 is
12 transferred from the Insurance Fund to the General Fund for general governmental pur-
13 poses.

14 “SECTION 3. Notwithstanding ORS 243.880 and section 25 (2), chapter 7, Oregon Laws
15 2007, the amount of \$4,996,081 is transferred from the Oregon Educators Benefit Account to
16 the General Fund for general governmental purposes.

17 “SECTION 4. The amount of \$74,470 is transferred from the suspense account established
18 pursuant to ORS 310.692 (1985 Edition) for the homeowner and renter refund program to the
19 General Fund for general governmental purposes.

20 “SECTION 5. For the biennium ending June 30, 2009:

21 “(1) Notwithstanding ORS 471.810 (1)(a), the amount credited to the General Fund under
22 ORS 471.810 (1)(a) is increased by \$2,248,840;

23 “(2) Notwithstanding ORS 471.810 (1)(b), the amount paid to the cities of this state under
24 ORS 471.810 (1)(b) is reduced by \$1,022,200;

25 “(3) Notwithstanding ORS 471.810 (1)(c), the amount paid to the counties of this state
26 under ORS 471.810 (1)(c) is reduced by \$511,100; and

27 “(4) Notwithstanding ORS 471.810 (1)(d), the amount paid to the cities of this state under
28 ORS 471.810 (1)(d) is reduced by \$715,540.

“CONSUMER AND BUSINESS SERVICES

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32 “SECTION 6. Notwithstanding ORS 652.409, the amount of \$3,000,000 is transferred from
33 the Wage Security Fund to the General Fund for general governmental purposes.

“ECONOMIC DEVELOPMENT

1 “(2) The Department of Education shall distribute moneys in the School Day Restoration
2 Fund as follows:

3 “(a) 95.25 percent as grants to school districts, the Youth Corrections Education Program
4 and the Juvenile Detention Education Program; and

5 “(b) 4.75 percent as grants to education service districts.

6 “**SECTION 21.** (1) In addition to those moneys distributed through the State School Fund,
7 the Department of Education shall award grants from the School Day Restoration Fund es-
8 tablished by section 20 of this 2009 Act to school districts, education service districts, the
9 Youth Corrections Education Program and the Juvenile Detention Education Program for
10 the purposes of minimizing or eliminating any reductions in the number of school days and
11 ensuring the continuation of special education programs for the remainder of the 2008-2009
12 school year.

13 “(2)(a) Each school district, each education service district, the Youth Corrections Edu-
14 cation Program and the Juvenile Detention Education Program may apply to the Department
15 of Education for a grant under this section.

16 “(b) The Department of Education shall work with the Legislative Fiscal Office to set
17 grant application requirements. The requirements shall include, but are not limited to, a
18 requirement that the school district or education service district superintendent, and presi-
19 dent or chair of the district governing board, certify that the district has made a good faith
20 effort to:

21 “(A) Eliminate or minimize reductions in the number of school days;

22 “(B) Continue special education programs;

23 “(C) Review and possibly reduce administrative salaries;

24 “(D) Collaborate with teachers and other employees concerning ways to maintain school
25 days; and

26 “(E) Utilize cash reserves to the greatest extent possible.

27 “(3)(a) Notwithstanding ORS 338.155 (9), the Department of Education may not award a
28 grant under this section directly to a public charter school.

29 “(b) A school district that receives a grant under this section may transfer a portion of
30 the grant to a public charter school based on the charter of the school or any other agree-
31 ment between the school district and the public charter school.

32 “(c) A public charter school that receives grant funds under this subsection shall use
33 those funds for the purposes specified in subsection (1) of this section.

34 “(4)(a) The amount of each grant for a program or school district = the program’s or
35 school district’s ADMw \times (the total amount available for distribution to programs and
36 school districts as grants \div the total statewide ADMw of all programs and school districts).

37 “(b) The amount of each grant for an education service district = the education service
38 district’s ADMw \times (the total amount available for distribution to education service districts
39 as grants \div the total statewide ADMw of all education service districts).

40 “(c) As used in this subsection, ‘ADMw’ means ADMw based upon the collection of
41 2008-2009 second quarter average daily membership as reported to the Department of Edu-
42 cation by school districts and the most recent collections of all other components of ADMw
43 for the 2008-2009 school year.

44 “(5) The State Board of Education may adopt any rules necessary to implement and ad-
45 minister section 20 of this 2009 Act and this section.

1 amount of \$1,600,000 is transferred from the Water Development Administration and Bond
2 Sinking Fund to the General Fund for general governmental purposes.

3 **“SECTION 35.** Notwithstanding ORS 555.380, the amount of \$426,050 is transferred from
4 the Tumalo Project Fund to the General Fund for general governmental purposes.

5 **“SECTION 36.** Notwithstanding ORS 496.303 (7), the amount of \$3,500,000 is transferred
6 from the Fish and Wildlife Deferred Maintenance Subaccount to the General Fund for gen-
7 eral governmental purposes.

8 **“SECTION 37.** ORS 805.256 is amended to read:

9 “805.256. (1) After deduction of the cost of administration of the salmon registration plate pro-
10 gram, moneys from the surcharge imposed by ORS 805.255 shall be transferred and appropriated as
11 follows:

12 “(a) Half of the moneys shall be transferred to the Oregon Watershed Enhancement Board es-
13 tablished under ORS 541.360 and [*shall be*] **are** continuously appropriated to the board for [*watershed*
14 *enhancement projects under ORS 541.375 that are designed to restore salmonid habitats and improve*
15 *the health of streams that support salmonid populations*] **activities under ORS 541.379 related to**
16 **the restoration and protection of native salmonid populations, watersheds, fish and wildlife**
17 **habitats and water quality, including but not limited to activities under the Oregon Plan;** and

18 “(b) Half of the moneys shall be transferred to the State Parks and Recreation Department Fund
19 established under ORS 390.134 and continuously appropriated for the purposes described in ORS
20 390.134 (4).

21 “(2) As used in this section, ‘the cost of administration of the salmon registration plate
22 program’ is the sum of all Department of Transportation expenses for the issuance or transfer of
23 salmon registration plates under ORS 805.255 that are above the normal costs of issuing, renewing
24 and transferring registration plates in the normal course of the business of the department. These
25 expenses include, but are not limited to, the costs of collecting the salmon registration plate sur-
26 charge and transferring salmon registration plates.

27
28 **“PUBLIC SAFETY**

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30 **“SECTION 38.** Notwithstanding ORS 180.095, the amount of \$2,000,000 is transferred from
31 the Consumer Protection and Education Revolving Account to the General Fund for general
32 governmental purposes.

33 **“SECTION 39.** Notwithstanding ORS 418.746, the amount of \$900,000 is transferred from
34 the Child Abuse Multidisciplinary Intervention Account to the General Fund for general
35 governmental purposes.

36 **“SECTION 40.** Notwithstanding ORS 181.690, the amount of \$1,151,183 is transferred from
37 the Police Standards and Training Account to the General Fund for general governmental
38 purposes.

39 **“SECTION 41.** Notwithstanding ORS 401.806 and 401.808, the amount of \$3,112,497 is
40 transferred from the Enhanced 9-1-1 Subaccount to the General Fund for general govern-
41 mental purposes.

42 **“SECTION 42.** Notwithstanding ORS 401.806 and 401.808, the amount of \$500,000 is trans-
43 ferred from the Enhanced 9-1-1 Equipment Replacement Subaccount to the General Fund for
44 general governmental purposes.

45 **“SECTION 43.** Notwithstanding any other provision of law, the amount of \$640,000 is

1 transferred from the miscellaneous receipts account established for the Judicial Department
2 under ORS 279A.290 to the General Fund for general governmental purposes.

3 **“SECTION 44. Notwithstanding ORS 1.202 and 1.204:**

4 **“(1) The amount of \$4,350,000 is transferred from the Judicial Department Collections**
5 **Account to the General Fund for general governmental purposes; and**

6 **“(2) The amount of \$460,000 is transferred to the General Fund for general governmental**
7 **purposes from the unit within the collections and revenue management program that col-**
8 **lects parking fines in counties with populations of more than 500,000.**

9 **“SECTION 45. Notwithstanding ORS 1.178, the amount of \$1,200,000 is transferred from**
10 **the State Court Facilities Security Account to the General Fund for general governmental**
11 **purposes.**

12 **“SECTION 46. Notwithstanding ORS 476.055, the amount of \$2,000,000 is transferred from**
13 **the State Fire Marshal Fund to the General Fund for general governmental purposes.**

14
15 **“EMPLOYMENT DEPARTMENT**

16
17 **“SECTION 47. ORS 411.877 is amended to read:**

18 **“411.877. As used in ORS [316.680,] 411.877 to 411.896 [and 657.925]:**

19 **“(1) ‘Board’ means the JOBS Plus Advisory Board established in ORS 411.886.**

20 **“(2) [‘Department’ means the Department of Human Services.] ‘Food stamp plan’ means the plan**
21 **described in ORS 411.825.**

22 **“(3) ‘Job opportunities and basic skills program’ means the program described in ORS**
23 **412.006.**

24 **“[(3)] (4) ‘JOBS Plus’ or ‘program’ means the JOBS Plus Program established in ORS 411.878.**

25 **“SECTION 48. ORS 411.878 is amended to read:**

26 **“411.878. (1) In establishing and implementing a program to be known as the JOBS Plus Pro-**
27 **gram, the Legislative Assembly recognizes that early attachment to work and development of**
28 **knowledge and skills are the most effective means of helping people make the transition from de-**
29 **pendence on public assistance and subsidizing in poverty to regular employment and self-reliance. It**
30 **is the intent of the Legislative Assembly to promote greater economic self-sufficiency among Oregon**
31 **families [and workers] by:**

32 **“(a) Increasing the employability of unemployed and underemployed Oregonians through on-the-**
33 **job training;**

34 **“(b) Invigorating the public-private workforce partnership through development of jobs with both**
35 **private for-profit and public employers;**

36 **“(c) Ensuring that program participants through their employment development plans have op-**
37 **portunities to improve work skills, education and employability and to establish recent work histo-**
38 **ries with work site training, mentoring, individual education accounts and provision of necessary**
39 **support service benefits that include child care, workers’ compensation, job placement and a guar-**
40 **antee that participation in the JOBS Plus Program does not result in a reduction in net income to**
41 **a participant when compared with the participant’s combined income from the temporary assistance**
42 **for needy families program[,] and the food stamp plan [program and the unemployment insurance**
43 **program]; and**

44 **“(d) Expeditiously placing program participants in subsidized and unsubsidized employment.**

45 **“(2) The JOBS Plus Program is created as a program in which residents of the State of Oregon**

1 shall, in lieu of receiving food stamp benefits and payments from the temporary assistance for needy
2 families program, be provided jobs and paid in a way that promotes self-sufficiency and encourages
3 unemployed Oregonians to improve their positions in the workforce. [*Recipients of unemployment*
4 *insurance also shall be offered employment under the program.*] The JOBS Plus Program shall be a
5 public assistance to work strategy for the State of Oregon and operate under the job opportunities
6 and basic skills program and rules adopted thereunder to the extent such rules are not inconsistent
7 with ORS [316.680,] 411.877 to 411.896 [and 657.925]. These rules include but are not limited to rules
8 regarding participation requirements[, *exemptions*] and support services.

9 “**SECTION 49.** ORS 411.882 is amended to read:

10 “411.882. In administering the JOBS Plus Program and to the extent permitted by federal law,
11 the Department of Human Services shall maximize the use of federal grants and apportionments of
12 the temporary assistance for needy families program, the food stamp [*program*] **plan** and employment
13 related child care.

14 “**SECTION 50.** ORS 411.886 is amended to read:

15 “411.886. (1) The JOBS Plus Advisory Board is established. The board shall advise the Depart-
16 ment of Human Services [*and the Employment Department*] in the direction and administration of the
17 JOBS Plus Program established [*under ORS 316.680, 411.877 to 411.896 and 657.925*] **in 411.878**. The
18 board shall have seven members, consisting of six representatives of the business community and
19 one employed former recipient of temporary assistance for needy families[,] **or** the food stamp **plan**
20 [*program or the unemployment insurance program*].

21 “(2) The Governor shall appoint new members from nominees recommended by the board.

22 “(3) Members appointed to the board shall serve terms of three years.

23 “**SECTION 51.** ORS 411.888 is amended to read:

24 “411.888. (1) Nominations for persons to fill scheduled vacancies must be made to the Governor
25 not less than 30 days prior to the effective date of the vacancy. Nominations for persons to fill an
26 unscheduled vacancy shall be made to the Governor not more than 30 days after the position be-
27 comes vacant.

28 “(2) The JOBS Plus Advisory Board shall select one of its members to serve as a chairperson
29 for such terms and with duties and powers necessary for the performance of the functions of such
30 office as the board determines. A majority of the members of the board constitutes a quorum for the
31 transaction of business.

32 “(3) The board shall meet at least once each quarter with the Director of Human Services [*and*
33 *the Director of the Employment Department*].

34 “(4) The board shall report at least annually to the Governor and the Legislative Assembly on
35 the status and progress of the JOBS Plus Program. The chairperson of the board shall have the
36 additional duty to work with and coordinate the local councils created in ORS 411.890.

37 “**SECTION 52.** ORS 411.889 is amended to read:

38 “411.889. The [*Employment Department and the*] Department of Human Services shall explore
39 contracting for job procurement and placement services with private job placement institutions. If
40 contracting is deemed beneficial, [*the Employment Department and*] the Department of Human Ser-
41 vices [*are*] **is** encouraged to and shall have the authority to contract with private placement firms.

42 “**SECTION 53.** ORS 411.890 is amended to read:

43 “411.890. A JOBS Plus Implementation Council shall be established in service areas to be de-
44 termined by the Director of Human Services to assist the JOBS Plus Advisory Board[,] **and** the
45 Department of Human Services [*and the Employment Department*] in the administration of the JOBS

1 Plus Program and to allow local flexibility in dealing with the particular needs of each county.
2 Each council shall be primarily responsible for recruiting and encouraging participation of employ-
3 ment providers in the county. Each council shall be composed of seven members who shall be ap-
4 pointed by the county commissioners in each county in the district. Council members shall be
5 residents of the district in which they are appointed and shall serve four-year terms. Six members
6 of the council shall be from the local business community. At least one member shall be a current
7 or former recipient of the temporary assistance for needy families program[,] **or** the food stamp **plan**
8 *[program or the unemployment insurance program]*.

9 “**SECTION 54.** ORS 411.892 is amended to read:

10 “411.892. (1)(a) All employers, including public and private sector employers within the State of
11 Oregon, are eligible to participate in the JOBS Plus Program. The Department of Human Services
12 *[or Employment Department, as appropriate,]* shall adopt by rule a method to disqualify employers
13 from participating in the program. No employer is required to participate in the JOBS Plus Program.
14 In the event that there are unassigned participants whom no employer desires to utilize, the par-
15 ticipants may be assigned to work for a public agency.

16 “(b) The maximum number of program participants that any employer is authorized to receive
17 at any one time may not exceed 10 percent of the total number of the employer’s employees. How-
18 ever, each employer may receive one participant. The Director of Human Services *[or Director of the*
19 *Employment Department, as appropriate,]* may waive the limit in special circumstances.

20 “(c) The Department of Human Services *[or Employment Department, as appropriate,]* by rule
21 shall establish criteria for excluding employers from participation for failure to abide by program
22 requirements, showing a pattern of terminating participants prior to the completion of training or
23 other demonstrated unwillingness to comply with the stated intent of the program.

24 “(2) The Department of Human Services *[or Employment Department, as appropriate,]* shall en-
25 sure that jobs made available to program participants:

26 “(a) Do not require work in excess of 40 hours per week;

27 “[*b*] *Are in conformity with section 3304(a)(5) of the Federal Unemployment Tax Act;*]

28 “[*c*] (b) Are not used to displace regular employees or to fill unfilled positions previously es-
29 tablished; and

30 “[*d*] (c) Do not pay a wage that is substantially less than the wage paid for similar jobs in the
31 local economy with appropriate adjustments for experience and training.

32 “(3)(a) Eligibility for the program shall be limited to residents who are:

33 “(A) Adults and caretaker relatives who are receiving temporary assistance for needy families
34 benefits;

35 “(B) Adult food stamp *[program]* recipients except as described in subsection (5)(b) of this sec-
36 tion; **and**

37 “[*C*] *Unemployment compensation recipients; and]*

38 “[*D*] (C) Unemployed noncaretaker parents of children who are receiving temporary assistance
39 for needy families benefits.

40 “(b) In addition to those residents eligible for the program under paragraph (a) of this sub-
41 section, additional residents who are seeking employment may be eligible for the program if there
42 are legislatively allocated funds available *[from the savings attributable to the program in the Unem-*
43 *ployment Compensation Trust Fund or]* in the temporary assistance for needy families budget of the
44 Department of Human Services.

45 “(4)(a) Individuals desiring work through the program shall contact the nearest Department of

1 Human Services office serving the county in which they reside if they are temporary assistance for
2 needy families program or food stamp [program] **plan** applicants or recipients or noncustodial par-
3 ents of individuals receiving temporary assistance for needy families. [Unemployment insurance ap-
4 plicants or recipients or others seeking employment may gain access to the program through their local
5 Employment Department office.]

6 “(b) With the assistance of the local JOBS Plus Implementation Councils and the JOBS Plus
7 Advisory Board, the Department of Human Services shall develop a job inventory of sufficient size
8 to accommodate all of the participants who desire to work in the program. In consultation with the
9 participant, the department shall try to match the profile of each participant with the needs of an
10 employer when assigning a participant to work with the employer.

11 “(c) Either the employer or the participant may terminate the assignment by contacting the
12 appropriate Department of Human Services [or Employment Department] office. In such event, the
13 Department of Human Services [or Employment Department] shall reassess the needs of the partic-
14 ipant and assign the participant to another JOBS Plus Program placement or another job opportu-
15 nity and basic skills program component and, at the employer’s request, provide the employer with
16 another participant.

17 “(d)(A) [Subject to ORS 657.925 (6)(d),] If after four months in a placement, a participant has not
18 been hired for an unsubsidized position, the employer shall allow the worker to undertake eight
19 hours of job search per week. Participating employers shall consider such time as hours worked for
20 the purposes of paying wages.

21 “(B) [Subject to ORS 657.925 (6)(d),] If after six months in a placement, a participant has not
22 been hired for an unsubsidized position, the placement shall be terminated, and the caseworker shall
23 reassess the participant’s employment development plan.

24 “(e) The Department of Human Services may pay placement and barrier removal payments to
25 temporary assistance for needy families **program** and food stamp [program] **plan** participants as
26 necessary to enable participation in the JOBS Plus Program.

27 “(f) The Department of Human Services shall accept eligible volunteers into the program prior
28 to mandating program participation by eligible persons.

29 “(5)(a) Assignment of participants to available jobs shall be based on a preference schedule de-
30 veloped by the Department of Human Services [and the Employment Department]. Any temporary
31 assistance for needy families recipient or food stamp recipient may volunteer for the program.

32 “(b) The following individuals may not be required to participate in the program:

33 “(A) **Recipients under the** temporary assistance for needy families **program** and **the** food
34 stamp **plan** [recipients] who are eligible for Supplemental Security Income benefits or other ongoing
35 state or federal maintenance benefits based on age or disability.

36 “(B) Food stamp applicants or recipients who are employed full-time or are college students el-
37 ible for food stamps and enrolled full-time in a community college or an institution of higher edu-
38 cation, or enrolled half-time in a community college or an institution of higher education and
39 working at least 20 hours per week.

40 “(C) Teenage parents who remain in high school if progressing toward a diploma. Teenage par-
41 ents not in school are eligible for the JOBS Plus Program.

42 “(c) The Department of Human Services shall provide life skills classes and opportunities to
43 achieve General Educational Development (GED) certificates to appropriate participants in con-
44 junction with working in the JOBS Plus Program.

45 “(d) **Subject to subsection (7) of this section,** temporary assistance for needy families and food

1 stamp benefits shall be suspended at the end of the calendar month in which an employer makes the
2 first wage payment to a participant who is a custodial parent in a family that receives temporary
3 assistance for needy families or to any adult member of a household receiving food stamp benefits.
4 Failure of the participant to cooperate with the requirements of the JOBS Plus Program may result
5 in the participant's removal, in accordance with rules adopted by the Department of Human Ser-
6 vices, from the JOBS Plus Program and suspension of the participant's temporary assistance for
7 needy families grant and food stamp benefits. A temporary assistance for needy families and food
8 stamp benefits recipient who has been removed from the program for failing to cooperate shall be
9 eligible to reapply to participate in the program and shall have eligibility for program services de-
10 termined without regard to the length of time the person was not participating following removal.

11 "(6)(a) Employers shall pay all participating individuals at least the hourly rate of the Oregon
12 minimum wage.

13 "(b) Sick leave, holiday and vacation absences shall conform to the individual employer's rules
14 for temporary employees.

15 "(c) Group health insurance benefits shall be provided by the employer to program participants
16 if, and to the extent that, state or federal law requires the employer to provide such benefits.

17 "(d) All persons participating in the JOBS Plus Program shall be considered to be temporary
18 employees of the individual employer providing the work and shall be entitled only to benefits re-
19 quired by state or federal law.

20 "(e) Employers shall provide workers' compensation coverage for each JOBS Plus Program par-
21 ticipant.

22 "(7) In the event that the net monthly full-time wage paid to a participant would be less than
23 the level of income from the temporary assistance for needy families program and the food stamp
24 benefit amount equivalent that the participant would otherwise receive, the Department of Human
25 Services shall determine and pay a supplemental payment as necessary to provide the participant
26 with that level of net income. The department shall determine and pay in advance supplemental
27 payments to participants on a monthly basis as necessary to ensure equivalent net program wages.
28 Participants shall be compensated only for time worked.

29 "(8) In addition to and not in lieu of the payments provided for under subsections (6) and (7) of
30 this section, participants shall be entitled to retain the full child support payments collected by the
31 Department of Justice.

32 "(9) Program participants who are eligible for federally and state funded medical assistance at
33 the time they enter the program shall remain eligible as long as they continue to participate in the
34 program. In conformity with existing state day care program regulations, child day care shall be
35 provided for all program participants who require it.

36 "(10) JOBS Plus Program employers shall:

37 "(a) Endeavor to make JOBS Plus Program placements positive learning and training experi-
38 ences;

39 "(b) Maintain health, safety and working conditions at or above levels generally acceptable in
40 the industry and no less than that of comparable jobs of the employer;

41 "(c) Provide on-the-job training to the degree necessary for the participants to perform their
42 duties;

43 "(d) Recruit volunteer mentors from among their regular employees to assist the participants in
44 becoming oriented to work and the workplace; and

45 "(e) Sign an agreement to abide by all requirements of the program, including the requirement

1 that the program not supplant existing jobs. All agreements shall include provisions noting the em-
2 ployer's responsibility to repay reimbursements in the event the employer violates program rules.
3 When a professional placement service, professional employment organization or temporary employ-
4 ment agency is acting as an employer pursuant to subsection [(14)] (13) of this section, agreements
5 under this paragraph shall require a three-party agreement between the professional placement
6 service, professional employment organization or temporary employment agency, the organization
7 where the participant has been placed to perform services and the State of Oregon. The three-party
8 agreement shall include provisions requiring that all JOBS Plus reimbursements received by the
9 professional placement service, professional employment organization or temporary employment
10 agency be credited to the organization where the participant has been placed to perform services.

11 "(11) Program participant wages shall be subject to federal and state income taxes, Social Se-
12 curity taxes and unemployment insurance tax or reimbursement as applicable under ORS chapter
13 657, which shall be withheld and paid in accordance with state and federal law. Supplemental pay-
14 ments made pursuant to subsection (7) of this section shall not be subject to state income taxes
15 under ORS chapter 316 and, to the extent allowed by federal law, shall not be subject to federal
16 income taxes and Social Security taxes.

17 "(12)(a)[(A)] The Department of Human Services shall reimburse employers for the employers'
18 share of Social Security, unemployment insurance and workers' compensation premiums paid on be-
19 half of program participants[, *other than those who are unemployment insurance claimants,*] referred
20 to the employer by the Department of Human Services, as well as the minimum wage earnings paid
21 by the employer to program participants referred to the employer by the Department of Human
22 Services.

23 "[*(B) The Employment Department shall reimburse employers \$5 per hour paid by the employer*
24 *as earnings to JOBS Plus Program participants, who are unemployment insurance claimants and are*
25 *referred to the employer by the Employment Department.*]

26 "(b) If the Department of Human Services [*or Employment Department*] finds that an employer
27 has violated any of the rules of the JOBS Plus Program, the [*appropriate*] department:

28 "(A) Shall withhold any amounts due to employers under paragraph (a) of this subsection.

29 "(B) May seek repayment of any amounts paid to employers under paragraph (a) of this sub-
30 section.

31 "[*(13) Subject to ORS 657.925 (6)(d), for unemployment insurance claimants participating in the*
32 *JOBS Plus Program:*]

33 "[*(a) If after nine weeks in a placement, a participant has not been hired for an unsubsidized po-*
34 *sition, the employer shall allow the worker to undertake up to five hours of job search per week. Par-*
35 *ticipating employers shall consider this time as hours worked for the purposes of paying wages.*]

36 "[*(b) If after 13 weeks in a placement, a participant has not been hired for an unsubsidized posi-*
37 *tion, the employer shall terminate the placement and the Employment Department shall assess the par-*
38 *ticipant's employment development plan.*]

39 "[*(14)*] (13) For purposes of this section, 'employer' shall include professional placement services,
40 professional employment organizations and temporary employment agencies.

41 "**SECTION 55.** ORS 657.190 is amended to read:

42 "657.190. [(1)] In determining whether any work is suitable for an individual, the Director of the
43 Employment Department shall consider, among other factors, the degree of risk involved to the
44 health, safety and morals of the individual, the physical fitness and prior training, experience and
45 prior earnings of the individual, the length of unemployment and prospects for securing local work

1 in the customary occupation of the individual and the distance of the available work from the resi-
2 dence of the individual.

3 *“(2) Notwithstanding subsection (1) of this section, the director may refer claimants to JOBS Plus*
4 *Program jobs for which the claimant does not have adequate skills or experience when the JOBS Plus*
5 *Program job is likely to result in an upgrade in the claimant’s skills and experience.]*

6 **“SECTION 56. ORS 411.884 and 657.925 are repealed.**

7
8 **“MISCELLANEOUS**

9
10 **“SECTION 57. The transfers and allocations described in this 2009 Act shall be made on**
11 **or before June 30, 2009.**

12 **“SECTION 58. The unit captions used in this 2009 Act are provided only for the conven-**
13 **ience of the reader and do not become part of the statutory law of this state or express any**
14 **legislative intent in the enactment of this 2009 Act.**

15 **“SECTION 59. This 2009 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
17 **on its passage.”.**