

Reinstatement and Reemployment of Injured Workers



Department of Administrative Services

SB 291


2015 Legislative Session



ORS 659A.052

Reinstatement and Reemployment Rights of Injured State Workers

- ▶ **ORS 659A.052 provides:**
 - ▶ **State injured workers with additional rights to reinstatement and reemployment**
 - ▶ **Specifically - in agencies besides the agency in which they were injured.**
 - ▶ **DAS must adopt its reinstatement and reemployment of injured workers policies as OARs.**
- ▶ **Statute was last revised following passage of HB 2778 B by Legislature in 2009.**
- ▶ **DAS adopted the rules upon passage of the bill.**



DAS' Rules

- In 2009 DAS promulgated its policies into:
 - OAR 105-050-0025, Injured Worker Preference for Light Duty Assignments under ORS 659A.052
 - Provides rules for temporary assignments for injured state workers.
 - OAR 105-050-0030, Injured Worker Preference for Entry Level Positions Under ORS 659A.052
 - Provides rules for permanent assignments for injured state workers.



DAS' Rules (Continued)

- For temporary placement the rules provide:
 - Must first look within the agency at injury for modified duty work.
 - Outside the agency is optional.
- For permanent placement the rules provide:
 - Must first look within the agency at injury for modified duty work.
 - If not possible, must place an injured worker in another agency when permanent restrictions are known.



Senate Bill 291

- ▶ **Intent of the Concept:**
 - ▶ **Avoid future claims.**
 - ▶ **DOJ has advised that agencies are vulnerable to lawsuits without this change.**
 - ▶ **Continue to provide the additional level of temporary and permanent work for injured state workers.**