


# 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.

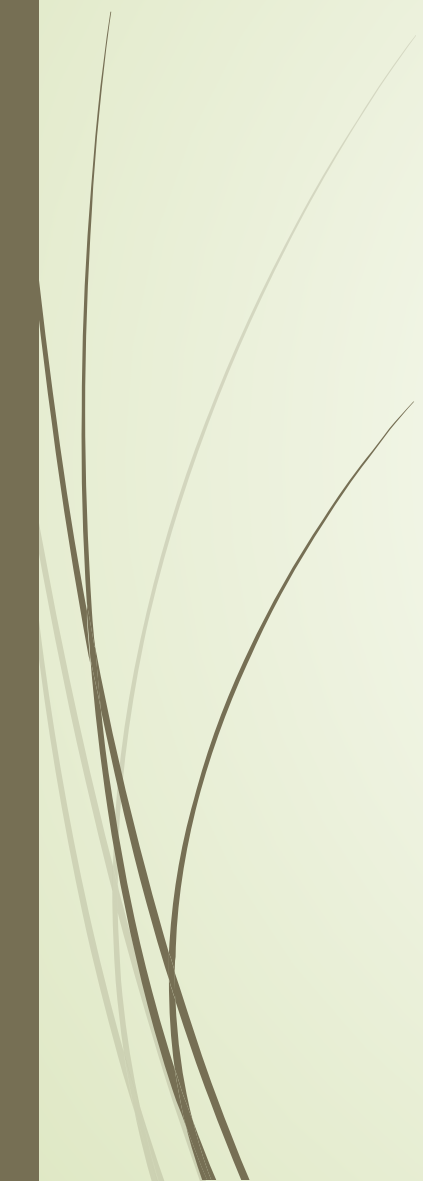


# DAS' Rules

- ▶ 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.
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# 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.