

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Business and Labor

MEASURE: HB 2214
CARRIER: Rep. Nosse

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 03/06/15

Action: Do Pass.

Meeting Dates: 02/13, 03/06

Vote:
Yeas: 8 - Barton, Doherty, Evans, Fagan, Holvey, Kennemer, Nosse, Weidner
Nays: 2 - Barreto, Heard
Exc: 1 - Esquivel

Prepared By: Jan Nordlund, Committee Administrator

WHAT THE MEASURE DOES:

Includes Oregon nonprofit corporations as public employer for purposes of transferring certain public employees.

ISSUES DISCUSSED:

- 1978 legal opinion from the Oregon Office of the Attorney General
- How funds are transferred when duties and employees transfer
- Purpose of one-year transition period
- Contributions to retirement system when employee is transferred

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Oregon law gives public employees certain rights when their job duties are acquired by another public employer. The public employer that receives the job duties of another public employer must transfer in the employee who was performing the job and may not reduce the employee's salary during the first 12 months of employment. The employee also has the right to retain accrued sick leave and up to 80 hours of vacation leave, and can elect to continue for up to 12 months under any retirement system in which they were participating or can choose to participate in the new employer's retirement system. However, the Public Employees Retirement Board may terminate the membership of the transferred employee if their participation would cause the PERS fund to lose its status as a qualified government plan and trust.

Under existing statutes, a public employer includes the state, cities, counties, school districts, special districts, and education service districts. Prior to 2013, Oregon nonprofit corporations were also included in the definition of public employer. Legislation passed in 2013 added educational service districts and deleted Oregon nonprofit corporations from the definition of public employer. House Bill 2214 adds Oregon nonprofit corporations to the list of what is considered a public employer.