

STAFF MEASURE SUMMARY

Senate Committee On Workforce

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 04/01/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/04, 04/01

Vote:

Yeas: 4 - Dembrow, Knopp, Rosenbaum, Thatcher

Exc: 1 - Gelser

Prepared By: Matthew Germer, Committee Administrator

WHAT THE MEASURE DOES:

Modifies circumstances under which injured state worker has right to reinstatement or reemployment. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- DAS rules on reinstatement of injured workers
- Potential for civil liability under current statute
- Need for amendment
- Medical stability

EFFECT OF COMMITTEE AMENDMENT:

Requires all permanent restrictions to be known. Removes “medically stationary” requirement. Requires replacement in “another” agency rather than “any” agency.

BACKGROUND:

Currently, under Oregon law, injured state workers have rights to reinstatement and reemployment in any available and suitable position in any agency within the branch of government the injured worker is employed in. According to the rules of the Department of Administrative Services (DAS), DAS must first look within the agency at which the worker was injured; however, if the injured worker’s condition is only temporary, DAS has no obligation to look outside the agency at which the worker was injured.

Senate Bill 291-A requires DAS to find placements for an injured worker in another agency if all permanent restrictions are known.