

STAFF MEASURE SUMMARY

House Committee On Business and Labor

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 05/04/15

Action: Do Pass.

Meeting Dates: 04/29, 05/04

Vote:

Yeas: 6 - Barton, Doherty, Evans, Holvey, Kennemer, Nosse

Nays: 4 - Barreto, Esquivel, Heard, Weidner

Exc: 1 - Fagan

Prepared By: Jan Nordlund, 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:

- Support of Management-Labor Advisory Committee (MLAC)
- Importance of getting injured workers back to work
- Appropriate level of discretion management should be allowed to exercise

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Currently, under Oregon law, a worker with a compensable injury has the right to reinstatement under ORS 659A.043 and reemployment under ORS 659A.046. For injured state workers, ORS 659A.052 provides direction for administering these reinstatement and reemployment rights. An injured state worker can be reinstated or reemployed at any available and suitable position in any agency within the same branch of government (i.e., legislative, executive and judicial). According to the rules adopted by the Department of Administrative Services, an injured state worker can be reemployed in another agency if a permanent appointment is requested by the employee. But if permanent restrictions are not known and a temporary placement is sought, there is no obligation to reinstate or reemploy the employee in an agency other than the agency-at-injury.

Senate Bill 291-A amends ORS 659A.052 to clarify that the injured state worker has a right to reinstatement or reemployment at any available and suitable position in another agency within the same branch of government when all permanent restrictions are known.