

A-Engrossed
House Bill 2214

Ordered by the Senate May 26
Including Senate Amendments dated May 26

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor for AFSCME Council 75)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

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

A BILL FOR AN ACT

1
2 Relating to transfers of public employees between public employers; amending ORS 236.605 and
3 236.610.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 236.605 is amended to read:

6 236.605. As used in ORS 236.605 to 236.640:

7 (1) "Public employee" means an employee whose compensation is paid from public funds.

8 (2) "Public employer" includes any of the following entities that has accepted the transfer of a
9 public program from a public employer in this state for maintenance and operation:

10 (a) The state;

11 (b) Cities;

12 (c) Counties;

13 (d) School districts;

14 (e) Special districts; [*and*]

15 (f) Education service districts; **and**

16 (g) **Oregon nonprofit corporations.**

17 (3) **"Transfer" does not include the transfer of an employee from a nonprofit corporation**
18 **to a nonprofit corporation.**

19 **SECTION 2.** ORS 236.610 is amended to read:

20 236.610. (1) No public employee shall be deprived of employment solely because the duties of
21 employment have been assumed or acquired by another public employer, whether or not an agree-
22 ment, annexation or consolidation with the present employer is involved. Notwithstanding any stat-
23 ute, charter, ordinance or resolution, but subject to ORS 236.605 to 236.640, the public employee
24 shall be transferred to the employment of the public employer that assumed or acquired the duties
25 of the public employee, without further civil service examination.

26 (2) The transferred public employee shall not have the employee's salary reduced as a result of
27 a transfer under this section during the first 12 months of employment with the receiving employer.
28 After the first 12 months of employment with the receiving employer, the transferred public em-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ployee shall be placed at the closest salary for the position as designated under the receiving
2 employer's salary schedule. **However, if the receiving employer is a nonprofit corporation, the**
3 **transferring employer and the receiving employer shall retain the right to negotiate the**
4 **source of funding for the transferred employee's salary.**

5 (3) It is the responsibility of the transferring employer to liquidate accrued compensatory time
6 at the time of transfer, consistent with any applicable statute or collective bargaining agreement.

7 (4)(a) At the time of transfer, the transferred public employee may elect to:

8 (A) Retain any accrued sick leave;

9 (B) Retain up to 80 hours of vacation leave; and

10 (C) Retain additional vacation leave if agreed to by the transferring employer, the receiving
11 employer and the transferred public employee.

12 (b) At the time of transfer, the transferring employer shall pay to the receiving employer a sum
13 equal to the number of hours of accrued leave retained times the employee's hourly rate of pay.

14 (c) After the transfer, the receiving employer shall grant any leaves according to its rules or
15 any bargaining agreement governing use of leaves.

16 (5) In the event that any transferred employee is subject to a waiting period for coverage of
17 preexisting conditions under the health insurance plan of the receiving employer, the receiving em-
18 ployer shall arrange for a waiver of such waiting period with its health insurer. The transferring
19 employer shall reimburse the receiving employer for the additional premium costs, if any, resulting
20 from such waiver, for a period of not to exceed 12 months.

21 (6) In transferring a public employee under subsection (1) of this section, the employer shall
22 furnish the employment records of that employee to the receiving employer at the time of transfer.
23 The time of transfer shall be by written agreement between the public employers involved.

24 (7) If the public employer that is transferring a public employee participates in the Public Em-
25 ployees Retirement System, the transferring employer and the receiving employer must enter into
26 a written agreement that addresses the manner in which any unfunded Public Employees Retirement
27 System liability or surplus of the transferring public employer will be paid or credited, as required
28 by ORS 238.231.

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