

**Enrolled**  
**House Bill 2214**

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)

CHAPTER .....

AN ACT

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

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

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

236.605. As used in ORS 236.605 to 236.640:

- (1) "Public employee" means an employee whose compensation is paid from public funds.
- (2) "Public employer" includes any of the following entities that has accepted the transfer of a public program from a public employer in this state for maintenance and operation:

- (a) The state;
- (b) Cities;
- (c) Counties;
- (d) School districts;
- (e) Special districts; [and]
- (f) Education service districts; and
- (g) Oregon nonprofit corporations.**

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

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

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

(2) The transferred public employee shall not have the employee's salary reduced as a result of a transfer under this section during the first 12 months of employment with the receiving employer. After the first 12 months of employment with the receiving employer, the transferred public employee shall be placed at the closest salary for the position as designated under the receiving employer's salary schedule. **However, if the receiving employer is a nonprofit corporation, the transferring employer and the receiving employer shall retain the right to negotiate the source of funding for the transferred employee's salary.**

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

- (4)(a) At the time of transfer, the transferred public employee may elect to:
- (A) Retain any accrued sick leave;
  - (B) Retain up to 80 hours of vacation leave; and
  - (C) Retain additional vacation leave if agreed to by the transferring employer, the receiving employer and the transferred public employee.
- (b) At the time of transfer, the transferring employer shall pay to the receiving employer a sum equal to the number of hours of accrued leave retained times the employee's hourly rate of pay.
- (c) After the transfer, the receiving employer shall grant any leaves according to its rules or any bargaining agreement governing use of leaves.
- (5) In the event that any transferred employee is subject to a waiting period for coverage of preexisting conditions under the health insurance plan of the receiving employer, the receiving employer shall arrange for a waiver of such waiting period with its health insurer. The transferring employer shall reimburse the receiving employer for the additional premium costs, if any, resulting from such waiver, for a period of not to exceed 12 months.
- (6) In transferring a public employee under subsection (1) of this section, the employer shall furnish the employment records of that employee to the receiving employer at the time of transfer. The time of transfer shall be by written agreement between the public employers involved.
- (7) If the public employer that is transferring a public employee participates in the Public Employees Retirement System, the transferring employer and the receiving employer must enter into a written agreement that addresses the manner in which any unfunded Public Employees Retirement System liability or surplus of the transferring public employer will be paid or credited, as required by ORS 238.231.

**Passed by House March 11, 2015**

**Received by Governor:**

**Repassed by House June 1, 2015**

.....M.,....., 2015

**Approved:**

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 Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2015

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 Tina Kotek, Speaker of House

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 Kate Brown, Governor

**Passed by Senate May 28, 2015**

**Filed in Office of Secretary of State:**

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 Peter Courtney, President of Senate

.....M.,....., 2015

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 Jeanne P. Atkins, Secretary of State