

SENATE AMENDMENTS TO HOUSE BILL 2214

By COMMITTEE ON WORKFORCE

May 26

1 In line 2 of the printed bill, after “236.605” insert “and 236.610”.

2 After line 15, insert:

3 “(3) ‘Transfer’ does not include the transfer of an employee from a nonprofit corporation to a
4 nonprofit corporation.

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

6 “236.610. (1) No public employee shall be deprived of employment solely because the duties of
7 employment have been assumed or acquired by another public employer, whether or not an agree-
8 ment, annexation or consolidation with the present employer is involved. Notwithstanding any stat-
9 ute, charter, ordinance or resolution, but subject to ORS 236.605 to 236.640, the public employee
10 shall be transferred to the employment of the public employer that assumed or acquired the duties
11 of the public employee, without further civil service examination.

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

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

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

22 “(A) Retain any accrued sick leave;

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

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

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

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

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

35 “(6) In transferring a public employee under subsection (1) of this section, the employer shall

1 furnish the employment records of that employee to the receiving employer at the time of transfer.
2 The time of transfer shall be by written agreement between the public employers involved.

3 “(7) If the public employer that is transferring a public employee participates in the Public
4 Employees Retirement System, the transferring employer and the receiving employer must enter into
5 a written agreement that addresses the manner in which any unfunded Public Employees Retirement
6 System liability or surplus of the transferring public employer will be paid or credited, as required
7 by ORS 238.231.”.

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