

Enrolled
House Bill 3248

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

CHAPTER

AN ACT

Relating to qualified nonprofit agencies for individuals with disabilities; creating new provisions; amending ORS 279.850; and declaring an emergency.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 279.835 to 279.855.

SECTION 2. If a public agency terminates a contract for services with a qualified nonprofit agency for individuals with disabilities and the public agency enters into a new contract for services with a second qualified nonprofit agency for individuals with disabilities, the public agency shall provide in the new contract that the second qualified nonprofit agency for individuals with disabilities must, during a period that ends 90 days after the date on which the public agency enters into the new contract, offer employment to the individuals with disabilities who performed work under the terminated contract at wages and, for individuals with disabilities who work 28 hours or more per week, with health benefits that are as favorable to the individuals with disabilities as, or more favorable to the individuals with disabilities than, the wages and health benefits that the individuals with disabilities had under the terminated contract. The second qualified nonprofit agency for individuals with disabilities may require an individual with a disability whom the second qualified nonprofit agency for individuals hires under the circumstances described in this section to undergo the hiring procedures and demonstrate during a probationary period the qualifications that the second qualified nonprofit agency for individuals with disabilities establishes for new hires.

SECTION 3. ORS 279.850 is amended to read:

279.850. (1)(a) **Except as provided in paragraph (b) of this subsection and subject to paragraph (c) of this subsection, [If any] a public agency that intends to procure [any] a product or service on the procurement list that the Oregon Department of Administrative Services established under ORS 279.845[that public agency] shall, in accordance with the department's rules [of the Oregon Department of Administrative Services], procure [such] the product or service[,] at the price [established by] the department establishes[,] from a qualified nonprofit agency for individuals with disabilities, provided that the product or service is of the appropriate specifications and is available within the period [required by that] the public agency requires.**

(b) A public agency may procure a product or service that is on the procurement list described in paragraph (a) of this subsection from a person other than a qualified nonprofit agency for individuals with disabilities if:

(A) All of the qualified nonprofit agencies for individuals with disabilities on the procurement list that applies to the public agency have a record in the previous three years of repeatedly violating, or are not now in compliance with, applicable local ordinances or resolutions that govern labor standards; and

(B) The person, for a period of 90 days after the person enters into an agreement with the public agency, offers to employ the employees of a qualified nonprofit agency for individuals with disabilities from which the public agency would have procured the product or service but for the failure of the qualified nonprofit agency for individuals with disabilities to comply with an applicable local ordinance or resolution that governs labor standards.

(c) If a public agency may choose to procure a product or service from more than one qualified nonprofit agency for individuals with disabilities, the public agency may give a preference to the qualified nonprofit agency for individuals with disabilities that best demonstrates that the qualified nonprofit agency for individuals with disabilities:

(A) Complies with all applicable local ordinances and resolutions that govern labor standards; and

(B) Provides wages, health care benefits, alternative dispute resolution services and pension or other retirement arrangements that, in the aggregate, are better than the average package of wages, health care benefits, alternative dispute resolution services and pension or other retirement arrangements that private employers provide to employees that perform the same or similar job duties:

(i) In the same industry in which the qualified nonprofit agency for individuals with disabilities engages; and

(ii) In the county in which the qualified nonprofit agency for individuals with disabilities will deliver the product or perform the service.

(2)(a) A public agency may require in any agreement with a qualified nonprofit agency for individuals with disabilities under ORS 279.835 to 279.855 that the qualified nonprofit agency for individuals with disabilities comply with applicable local ordinances or resolutions that govern labor standards.

(b) A public agency may disqualify a qualified nonprofit agency for individuals with disabilities from entering into an agreement with the public agency under ORS 279.835 to 279.855 for a period of three years if the public agency:

(A) Determines that the qualified nonprofit agency for individuals with disabilities repeatedly violated local ordinances or resolutions that govern labor standards during the term of an agreement with the public agency under ORS 279.835 to 279.855; or

(B) Finds that the qualified nonprofit agency for individuals with disabilities has a record in the previous three years of repeatedly violating applicable local ordinances or resolutions that govern labor standards.

[(2)] (3) In furthering the purposes of ORS 279.835 to 279.855, 279A.025 (4) and 279C.335, [it is the intent of] the Legislative Assembly **intends** [that there be close cooperation between] **that** the department, public [contracting] agencies and qualified nonprofit agencies for individuals with disabilities **cooperate closely**. The department on behalf of public [contracting] agencies and qualified nonprofit agencies for individuals with disabilities [is authorized to] **may** enter into [such] contractual agreements, cooperative working relationships or other arrangements [as may be determined to be] **that are necessary** [for effective coordination and efficient realization of] **to effectively coordinate and efficiently realize** the objectives of ORS 279.835 to 279.855, 279A.025 (4) and 279C.335 and any other law [requiring] **that governs a** procurement of products or services.

SECTION 4. Section 2 of this 2015 Act and the amendments to ORS 279.850 by section 3 of this 2015 Act apply to contracts into which a public agency enters on or after the operative date specified in section 5 of this 2015 Act.

SECTION 5. (1) Section 2 of this 2015 Act and the amendments to ORS 279.850 by section 3 of this 2015 Act become operative January 1, 2016.

(2) The Director of the Oregon Department of Administrative Services may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the director, on and after the operative date specified in subsection (1) of this section, to exercise all of the duties, functions and powers conferred on the director by section 2 of this 2015 Act and the amendments to ORS 279.850 by section 3 of this 2015 Act.

SECTION 6. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House April 30, 2015

Received by Governor:

Repassed by House June 10, 2015

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 8, 2015

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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Jeanne P. Atkins, Secretary of State