PROPOSED AMENDMENTS TO
HOUSE BILL 3248

1   On page 1 of the printed bill, delete lines 5 through 20 and delete page

2   2.

3   On page 3, delete lines 1 through 30 and insert:

4   **"SECTION 1. Section 2 of this 2015 Act is added to and made a part**

5   **of ORS 279.835 to 279.855.**

6   **"SECTION 2. If a public agency terminates a contract for services**

7   **with a qualified nonprofit agency for individuals with disabilities, or**

8   **if the contract for services expires, and the public agency enters into**

9   **a new contract for services with a second qualified nonprofit agency**

10   **for individuals with disabilities, the public agency shall provide in the**

11   **new contract that the second qualified nonprofit agency for individuals**

12   **with disabilities must, during a period that ends 90 days after the date**

13   **on which the public agency enters into the new contract, offer em-**

14   **ployment to the individuals with disabilities who performed work un-**

15   **der the expired or terminated contract on terms that are as favorable**

16   **to the individuals with disabilities as, or more favorable to the indi-**

17   **viduals with disabilities than, the terms of employment that the indi-**

18   **viduals with disabilities had under the expired or terminated contract.**

19   **The second qualified nonprofit agency for individuals with disabilities**

20   **may require an individual with a disability whom the second qualified**

21   **nonprofit agency for individuals hires under the circumstances de-**

22   **scribed in this section to undergo the hiring procedures and demon-**

1 **strate during a probationary period the qualifications that the second**

2 **qualified nonprofit agency for individuals with disabilities establishes**

3 **for new hires.**".

4 In line 31, delete "8" and insert "3".

5 In line 32, delete "paragraphs (b) and (c)" and insert "paragraph (b) of

6 this subsection and subject to paragraph (c)".

7 In line 41, delete "source" and insert "person".

8 Delete lines 43 through 45 and insert:

9 "(A) All of the qualified nonprofit agencies for individuals with disabili-

10 ties on the procurement list that applies to the public agency have a record

11 in the previous three years of repeatedly violating, or are not now in com-

12 pliance with, applicable local ordinances or resolutions that govern labor

13 standards; and

14 "(B) The person, for a period of 90 days after the person enters into an

15 agreement with the public agency, offers to employ the employees of a qual-

16 ified nonprofit agency for individuals with disabilities from which the public

17 agency would have procured the product or service but for the failure of the

18 qualified nonprofit agency for individuals with disabilities to comply with

19 an applicable local ordinance or resolution that governs labor standards.

20 "(c) If a public agency may choose to procure a product or service from

21 more than one qualified nonprofit agency for individuals with disabilities,

22 the public agency may give a preference to the qualified nonprofit agency for

23 individuals with disabilities that best demonstrates that the qualified

24 nonprofit agency for individuals with disabilities:

25 "(A) Complies with all applicable local ordinances and resolutions that

26 govern labor standards; and

27 "(B) Provides wages, health care benefits, alternative dispute resolution

28 services and pension or other retirement arrangements that, in the aggregate,

29 are better than the average package of wages, health care benefits, alterna-

30 tive dispute resolution services and pension or other retirement arrange-

1 ments that private employers provide to employees that perform the same or

2 similar job duties:

3 "(i) In the same industry in which the qualified nonprofit agency for in-

4 dividuals with disabilities engages; and

5 "(ii) In the county in which the qualified nonprofit agency for individuals

6 with disabilities will deliver the product or perform the service.

7 "(2)(a) A public agency may require in any agreement with a qualified

8 nonprofit agency for individuals with disabilities under ORS 279.835 to

9 279.855 that the qualified nonprofit agency for individuals with disabilities

10 comply with applicable local ordinances or resolutions that govern labor

11 standards.

12 "(b) A public agency may disqualify a qualified nonprofit agency for in-

13 dividuals with disabilities from entering into an agreement with the public

14 agency under ORS 279.835 to 279.855 for a period of three years if the public

15 agency:

16 "(A) Determines that the qualified nonprofit agency for individuals with

17 disabilities repeatedly violated local ordinances or resolutions that govern

18 labor standards during the term of an agreement with the public agency

19 under ORS 279.835 to 279.855; or

20 "(B) Finds that the qualified nonprofit agency for individuals with disa-

21 bilities has a record in the previous three years of repeatedly violating ap-

22 plicable local ordinances or resolutions that govern labor standards.".

23 On page 4, delete lines 1 through 14.

24 In line 15, delete "(2)" and insert "(3)".

25 Delete lines 24 through 39 and insert:

26 **"SECTION 4. Section 2 of this 2015 Act and the amendments to ORS**

27 **279.850 by section 3 of this 2015 Act apply to contracts into which a**

28 **public agency enters on or after the operative date specified in section**

29 **5 of this 2015 Act.**

30 **"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.".

_____