

**PROPOSED AMENDMENTS TO
HOUSE BILL 2214**

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
4 nonprofit corporation to a 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
7 because the duties of employment have been assumed or acquired by another
8 public employer, whether or not an agreement, annexation or consolidation
9 with the present employer is involved. Notwithstanding any statute, charter,
10 ordinance or resolution, but subject to ORS 236.605 to 236.640, the public
11 employee shall be transferred to the employment of the public employer that
12 assumed or acquired the duties of the public employee, without further civil
13 service examination.

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

1 “(3) It is the responsibility of the transferring employer to liquidate ac-
2 crued compensatory time at the time of transfer, consistent with any appli-
3 cable statute or collective bargaining agreement.

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

6 “(A) Retain any accrued sick leave;

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

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

10 “(b) At the time of transfer, the transferring employer shall pay to the
11 receiving employer a sum equal to the number of hours of accrued leave re-
12 tained times the employee’s hourly rate of pay.

13 “(c) After the transfer, the receiving employer shall grant any leaves ac-
14 cording to its rules or any bargaining agreement governing use of leaves.

15 “(5) In the event that any transferred employee is subject to a waiting
16 period for coverage of preexisting conditions under the health insurance plan
17 of the receiving employer, the receiving employer shall arrange for a waiver
18 of such waiting period with its health insurer. The transferring employer
19 shall reimburse the receiving employer for the additional premium costs, if
20 any, resulting 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,
22 the employer shall furnish the employment records of that employee to the
23 receiving employer at the time of transfer. The time of transfer shall be by
24 written agreement between the public employers involved.

25 “(7) If the public employer that is transferring a public employee partic-
26 ipates in the Public Employees Retirement System, the transferring employer
27 and the receiving employer must enter into a written agreement that ad-
28 dresses the manner in which any unfunded Public Employees Retirement
29 System liability or surplus of the transferring public employer will be paid
30 or credited, as required by ORS 238.231.”.

