

# Senate Bill 476

Sponsored by Senator BOQUIST (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adds disabled veteran to definition of preferred worker who is eligible for reemployment assistance.

## A BILL FOR AN ACT

1  
2 Relating to disabled veterans as preferred workers eligible for reemployment assistance; amending  
3 ORS 656.622.

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

5 **SECTION 1.** ORS 656.622 is amended to read:

6 656.622. (1) There is established a Reemployment Assistance Program for the benefit of employ-  
7 ers and workers and for the purpose of:

8 (a) Giving employers and workers the benefits provided in this section.

9 (b) Providing reimbursement of reasonable program administration costs of self-insured employ-  
10 ers and of insurers of employers who participate in any program funded through the Reemployment  
11 Assistance Program.

12 (2) In order to preclude or reduce nondisabling claims from becoming disabling claims, preclude  
13 on-the-job injuries from recurring, reduce disability by returning injured workers to work sooner and  
14 to help injured workers remain employed, the Director of the Department of Consumer and Business  
15 Services may provide assistance to employers from the Reemployment Assistance Program in such  
16 manner and amount as the director considers appropriate. Assistance may include, but need not be  
17 limited to, modification of work sites. For purposes of this subsection, work site modification may  
18 include engineering design work and occupational health consulting services. Factors to be consid-  
19 ered by the director in determining the extent of assistance must include but need not be limited  
20 to the employer's record of returning injured workers to the workplace and the cost-effectiveness  
21 of modifications. Assistance may be provided in the form of grants and matching contributions from  
22 employers for funds.

23 (3) In order to encourage the employment of individuals who have incurred compensable injuries  
24 that result in disability which may be a substantial obstacle to employment, the director may pro-  
25 vide, to eligible injured workers and to employers who employ them, assistance from the Workers'  
26 Benefit Fund in such manner and amount as the director considers appropriate.

27 (4)(a) In addition to such assistance as the director may provide under this section, the director  
28 shall provide reimbursement to self-insured employers or to the insurers of employers who hire  
29 preferred workers for the claim costs incurred for injuries to those workers during the first three  
30 years from the date of hire, as follows:

31 (A) The claim costs of injuries incurred by those workers.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Reasonable claims administration costs.

2 (b) A worker may not waive eligibility for preferred worker status in the claim by agreement  
3 pursuant to ORS 656.236.

4 (5)(a) In addition to such assistance as the Director of the Department of Consumer and Busi-  
5 ness Services may provide under subsection (3) of this section, the director shall provide to partic-  
6 ipating self-insured employers and the insurers of participating employers reimbursement of  
7 reasonable program administration costs.

8 (b) As used in this subsection, “participating employer” or “participating self-insured  
9 employer” means an employer participating in any program funded through the Reemployment As-  
10 sistance Program.

11 (6) Notwithstanding any other provision of law, determinations by the director regarding as-  
12 sistance pursuant to this section are not subject to review by any court or other administrative  
13 body.

14 (7) The Reemployment Assistance Program shall be funded with moneys collected as provided  
15 in ORS 656.506.

16 (8) Any assistance from the Reemployment Assistance Program shall be to the extent of the  
17 moneys available in the Workers’ Benefit Fund, for the purpose of the program as determined by the  
18 director.

19 (9) The director may make such rules as may be required to establish, regulate, manage and  
20 disburse moneys in the Workers’ Benefit Fund in accordance with the intent of this section. Such  
21 rules shall include, but are not limited to, the eligibility criteria to receive assistance under this  
22 section and the issuance of identity cards to preferred workers to assist employers in the adminis-  
23 tration of the program.

24 (10) If claim cost reimbursement is requested under subsection (4) of this section, claims costs  
25 incurred as a result of an injury sustained by a preferred worker during the three years after that  
26 worker is hired shall not be included in any data used for ratemaking or individual employer rating  
27 or dividend calculations by an insurer, a rating organization licensed pursuant to ORS chapter 737,  
28 the State Accident Insurance Fund Corporation or the Department of Consumer and Business Ser-  
29 vices. Neither insurance premiums nor premium assessments under this chapter are payable for  
30 preferred workers during the first three years from the date of hire.

31 (11) Any moneys from the Workers’ Benefit Fund reimbursed to an agency for costs incurred in  
32 reemploying injured state workers in the manner described in ORS 659A.052 or in providing wage  
33 subsidies for the reemployment of injured state workers shall be outside the biennial expenditure  
34 limitation imposed on the agency by the Legislative Assembly and shall be available for expenditure  
35 by the agency as a continuous appropriation.

36 (12) As used in this section, “preferred worker” means a worker who, because of a permanent  
37 disability resulting from a compensable injury or occupational disease **or because of a permanent**  
38 **disability that results from the worker’s status as a disabled veteran, as defined in ORS**  
39 **408.225**, is unable to return to the worker’s regular employment, whether or not an order has been  
40 issued awarding permanent disability.

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