

House Bill 3416

Sponsored by Representatives BONHAM, RESCHKE, SMITH DB; Representatives BREESE-IVERSON, CATE, DRAZAN, NOBLE, POST, WALLAN, WEBER

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**.

Requires Department of Consumer and Business Services to develop and implement program to make return-to-work incentive payments to employees.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to return-to-work incentive payments; and declaring an emergency.

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

4 **SECTION 1. (1) The Department of Consumer and Business Services shall develop and**
5 **implement a program under which the department shall make return-to-work incentive**
6 **payments, in accordance with this section, to newly hired employees.**

7 (2)(a) The department shall prescribe by rule the forms and processes by which employ-
8 ers may apply for payments on behalf of newly hired employees under this section.

9 (b) A newly hired employee is eligible to receive a return-to-work incentive payment if
10 the employee:

11 (A) Was unemployed within the meaning of ORS 657.100 when the employee accepted the
12 employment with the employer that files an application under this section;

13 (B) Received unemployment insurance benefits under state or federal law for at least one
14 week as defined in ORS 657.010 beginning on or after March 8, 2020, and ending before the
15 date on which the employment to which the application relates started;

16 (C) Successfully completed at least four consecutive weeks of continuous employment on
17 or before the date on which the employer submits an application under this section; and

18 (D) Has not received a payment under the return-to-work incentive payment program.

19 (c) An employer may include one or more newly hired employees in an application, pro-
20 vided that the information attesting to the eligibility of each employee is separately stated
21 and identified with the employee's name.

22 (d) Applications shall be submitted under penalties for false swearing under ORS 162.075.

23 (e) Applications shall be approved on a first-come, first-served basis.

24 (f) Information included in applications submitted under this section is confidential and
25 exempt from disclosure under ORS 192.311 to 192.478.

26 (3) As soon as practicable after receipt of a complete application under this section, the
27 department shall:

28 (a) Determine whether the newly hired employees included in the application are eligible
29 for return-to-work incentive payments under subsection (2) of this section;

30 (b) Approve or reject the application, with respect to each employee included in the ap-

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 plication, on the basis of whether the employee is eligible for a return-to-work incentive
 2 payment under subsection (2) of this section; and

3 (c) Notify the applicant and the employees included in the application of the department's
 4 decision.

5 (4) Within 30 days following approval of an application under subsection (3) of this sec-
 6 tion, the department shall make a lump-sum payment to the applicant in an amount equal
 7 to \$1,200 multiplied by the number of employees included in the application who were deter-
 8 mined to be eligible for return-to-work incentive payments.

9 (5) Upon receipt of moneys under subsection (4) of this section, the employer shall dis-
 10 tribute \$1,200 to each employee included in the application who was approved for a return-
 11 to-work incentive payment.

12 (6)(a)(A) An employee who receives a return-to-work incentive payment knowing that the
 13 approved application contained a false statement or misrepresentation of a material fact, or
 14 failed to disclose a material fact, is liable for repayment, with interest, of the payment. In
 15 addition, the department may impose a monetary penalty in any amount, not to exceed 10
 16 percent of the payment, that the department considers appropriate in the circumstances.

17 (B) If the employer that filed the application knew of the false statement, misrepresen-
 18 tation or failure to disclose described in subparagraph (A) of this paragraph, the employer
 19 may be held jointly and severally liable for the repayment, interest and penalty.

20 (b) An employee who receives a return-to-work incentive payment because of an error
 21 not due to the individual providing a false statement or misrepresentation of a material fact,
 22 or failing to disclose a material fact, is liable for repayment, without interest, of the payment
 23 received in error.

24 (7)(a) An employer that knowingly fails, for more than 10 business days, to distribute any
 25 amount of a return-to-work incentive payment to the employee to whom the payment be-
 26 longs, shall be liable for making the payment, with interest computed at a rate determined
 27 by the department but not to exceed 16 percent per annum, for each day or portion of a day
 28 that the payment is not so distributed.

29 (b) The department may take any action permitted by law to obtain the moneys and
 30 distribute the payment to the employee.

31 (c) Any moneys obtained by the department under this subsection in excess of the
 32 amount of the return-to-work incentive payment to which the employee is entitled, and the
 33 actual collection costs incurred by the department, shall be used by the department to make
 34 additional return-to-work incentive payments.

35 **SECTION 2.** There is appropriated to the Department of Consumer and Business Ser-
 36 vices, for the biennium beginning July 1, 2021, from one-time funds the State of Oregon re-
 37 ceives under the American Rescue Plan Act of 2021 (P.L. 117-2), the amount of \$100,000,000,
 38 to be used as follows:

39 (1) To reimburse the department for the actual costs incurred by the department in de-
 40 veloping and implementing the return-to-work incentive payment program under section 1
 41 of this 2021 Act; and

42 (2) Making return-to-work incentive payments for distribution to employees under sec-
 43 tion 1 of this 2021 Act.

44 **SECTION 3.** Section 1 of this 2021 Act is repealed on January 2, 2023.

45 **SECTION 4.** This 2021 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
2 **on its passage.**

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