

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	6 - 0 - 1
Yeas:	Berger, Edwards C., Esquivel, Holvey, Rosenbaum, Schaufler
Nays:	0
Exc.:	Smith P.
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	4/23, 4/30

WHAT THE MEASURE DOES: Clarifies in current statute relating to the reemployment rights of injured state workers that agencies must by rule adopt a process to identify entry level and light duty assignments. Establishes the Task Force on Injured Workers. Establishes membership and other guidelines. Sunsets the task force on the first day of the 2009 legislative session. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Current workers' compensation laws regarding return-to-work for state employees
- The need to make changes to current public policies
- Support of the Management-Labor Advisory Committee

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: Under Oregon's workers' compensation system, an injured worker must be reinstated to their former position if it still exists, if the attending physician approves the worker to return to work, and the worker can fully carry out the responsibilities of that position without further injury. The right to reinstatement can be denied for reasons such as being eligible and participating in vocational assistance and refusing a bona fide offer from the employer of light duty or modified employment that is suitable prior to becoming medically stationary. HB 3357 A directs state agencies to adopt by rule a process for identifying entry level and light duty assignments that an injured worker can perform. It also requires the Administrator of the Personnel Division to compel compliance of adopting these rules.

The measure also creates the Task Force on Injured Workers, whose focus is on reviewing state policies relating to an injured workers' return to work by reinstatement or reemployment. The task force membership consists of seven members who are required under the statute to study alternative approaches to returning injured workers to employment, and to make recommendations for any necessary legislative changes. A report is to be made to an appropriate interim legislative committee, and all state agencies are directed to assist the task force by providing information and advice, to the extent permitted by confidentiality laws, considered necessary to carry out the task force's duties.