

Requested by Representative ELMER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2020**

1 On page 2 of the printed bill, delete lines 12 through 45 and delete page
2 3 and insert:

3 **“SECTION 2. ORS 279.853 is amended to read:**

4 “279.853. (1)(a) If a public agency or a qualified nonprofit agency for in-
5 dividuals with disabilities terminates or declines to renew a contract pro-
6 cured under ORS 279.850 for janitorial services, grounds maintenance
7 services or security services and the public agency enters into a new con-
8 tract for the same services, the public agency shall:

9 **“(A) Provide in the new contract that the successor service provider**
10 **must reimburse individuals with disabilities who were employed under**
11 **the contract that was terminated or not renewed for amounts the in-**
12 **dividuals with disabilities paid for continuation coverage that meets**
13 **the requirements of 29 U.S.C. 1161 to 1169, as in effect on the effective**
14 **date of this 2025 Act, or ORS 743B.341, 743B.342 and 743B.343 to**
15 **743B.347, as appropriate, during any period in which the new employer**
16 **does not provide the health benefits described in subparagraph (B) of**
17 **this paragraph; and**

18 **“(B) Provide in the new contract that the successor service provider,**
19 **during a period that ends 90 days after the date on which the public agency**
20 **enters into the new contract, offer employment to the individuals with disa-**
21 **bilities who worked 28 hours or more per week under the **contract that was****

1 terminated or [*nonrenewed contract*] **not renewed** at the time the contract
2 ended, at wages [*and with health benefits*] as favorable as, or more favorable
3 than, the wages [*and health benefits*] the individuals with disabilities re-
4 ceived under the [*terminated or nonrenewed*] contract **that was terminated**
5 **or not renewed. The new contract must also provide health benefits**
6 **that are as favorable as, or more favorable than, the health benefits**
7 **the individuals with disabilities received under the contract that was**
8 **terminated or not renewed.**

9 “(b) **The new contract described in paragraph (a) of this subsection**
10 **must provide the health benefits described in paragraph (a)(B) of this**
11 **subsection at the first opportunity in which employee enrollment in**
12 **the new employer’s benefit plan becomes available but not later than**
13 **one year after the effective date of the new contract.**

14 “[*b*] (c) If the successor service provider under paragraph (a) of this
15 subsection is not a qualified nonprofit agency for individuals with disabili-
16 ties, the public agency shall provide in the new contract that the successor
17 service provider, during a period that ends 90 days after the date on which
18 the public agency enters into the new contract, offer employment to all in-
19 dividuals who worked 28 hours or more per week under the [*terminated or*
20 *nonrenewed*] contract **that was terminated or not renewed** at the time the
21 contract ended, except managers and supervisors, at wages and with health
22 benefits as favorable as, or more favorable than, the wages and health ben-
23 efits the individuals received under the [*terminated or nonrenewed*] contract
24 **that was terminated or not renewed.**

25 “(d) **At least once during each calendar year, the Oregon Depart-**
26 **ment of Administrative Services shall confirm that each public agency**
27 **or each qualified nonprofit agency for individuals with disabilities that**
28 **has terminated or declined to renew a contract as provided in para-**
29 **graph (a) of this subsection has included the provisions required in**
30 **this subsection in any contract with a successor service provider. If**

1 **the department determines that a contract with a successor service**
2 **provider does not have the required provisions, the department may:**

3 **“(A) Require the public agency and the qualified nonprofit agency**
4 **for individuals with disabilities to amend the contract to include the**
5 **required provisions; and**

6 **“(B) Impose a civil penalty in an amount that does not exceed \$500**
7 **upon each party to the contract for each day in which the parties fail**
8 **to amend the contract to include the required provisions.**

9 **“(2) A successor service provider that provides the same services under**
10 **a new contract [as] that were provided under the [terminated or**
11 **nonrenewed] contract that was terminated or not renewed may require**
12 **an individual whom the successor service provider hires under subsection (1)**
13 **of this section to undergo the hiring procedures and demonstrate during a**
14 **probationary period the qualifications that the successor service provider**
15 **establishes for new hires.**

16 **“SECTION 3. The amendments to ORS 279.835 and 279.853 by**
17 **sections 1 and 2 of this 2025 Act apply to contracts that a public agency**
18 **enters into, terminates or declines to renew on or after the effective**
19 **date of this 2025 Act.”.**

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