

**2019 OREGON EMPLOYMENT LEGISLATION UPDATE**

The 2019 Oregon legislative session has adjourned, and below is a summary new employment related bills impacting Oregon employers and employees. To read the full-text of a particular bill follow the link provided. For more information, please contact our Labor and Employment attorneys, Amanda Walkup, Andy Lewis and Mario Conte.

**ENROLLED BILLS**

BILL	SUMMARY	STATUS
<a href="#"><u>SB 123</u></a> <a href="#"><u>Enrolled</u></a>	This bill provides that employer is not in violation of pay equity requirements for paying different level of compensation to employee for modified work in certain circumstances. This bill also extends the application of the provision prohibiting salary history inquiries to include employment agencies.	Governor signed. Effective 1/1/20.
<a href="#"><u>SB 164</u></a> <a href="#"><u>Enrolled</u></a>	This bill makes an employer's failure to comply with requirements of the Oregon Retirement Savings Plan an unlawful practice.	Governor signed. Effective 1/1/20.
<a href="#"><u>SB 165</u></a> <a href="#"><u>Enrolled</u></a>	This bill directs an employer, on annual tax withholding return submitted to Department of Revenue, to indicate whether the employer offers a qualified retirement savings plan that would allow exemption from participation in the Oregon Retirement Savings Plan. Applies to returns submitted to Department of Revenue on or after January 1, 2020. Takes effect on 91 <sup>st</sup> day following adjournment sine die.	Governor signed. Effective 9/29/19.
<a href="#"><u>SB 370</u></a> <a href="#"><u>Enrolled</u></a>	This bill requires an employer to provide notice to employees of an upcoming inspection by a federal agency of an employer's records regarding the identity and employment eligibility of employees within three business days of an employer's receipt of a notice of inspection from agency. Declares emergency, effective on passage.	Governor signed. Effective 6/6/19.
<a href="#"><u>SB 494</u></a> <a href="#"><u>Enrolled</u></a>	This bill requires employers who are authorized to pay subminimum wages to individuals with disabilities to pay certain wage rates until June 30, 2023. Takes effect on 91 <sup>st</sup> day following adjournment sine die.	Governor signed. Effective 9/29/19.

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<b>BILL</b>	<b>SUMMARY</b>	<b>STATUS</b>
<a href="#"><u>SB 519</u></a> <a href="#"><u>Enrolled</u></a>	This bill increases the minimum wage exemption for purposes of garnishment and execution.	Governor signed. Effective 1/1/20.
<a href="#"><u>SB 726</u></a> <a href="#"><u>Enrolled</u></a>	This bill, also known as the Oregon Workplace Fairness Act, makes it an unlawful employment practice for an employer to request an employee to enter into an agreement that would prevent an employee from disclosing or discussing conduct that constitutes unlawful discrimination, including sexual assault. Takes effect on 91 <sup>st</sup> day after adjournment sine die.	Governor signed. Effective 9/29/19.
<a href="#"><u>SB 796</u></a> <a href="#"><u>Enrolled</u></a>	This bill includes a period of absence for the donation of a body part, organ or tissue as a "serious health condition" for which family leave may be taken.	Governor signed. Effective 1/1/20.
<a href="#"><u>SB 823</u></a> <a href="#"><u>Enrolled</u></a>	This bill requires health care employer to conduct comprehensive security and safety evaluation using state or nationally recognized workplace violence prevention toolkit.	Governor signed. Effective 1/1/20.
<a href="#"><u>SB 917</u></a> <a href="#"><u>Enrolled</u></a>	This bill prohibits long term care facilities, residential facilities, adult foster homes, child care facilities, child-caring agencies, foster homes, youth care centers, youth offender foster homes or other entities that are licensed, certified or registered to provide care to children, youth, individuals with disabilities or older adults from interfering with a good faith disclosure of information by employees or volunteers about abuse or mistreatment of individuals cared for by an entity, violations of state or federal laws or other practice that threatens the health and safety of individuals cared for by an entity, to regulatory agencies, law enforcement authorities, persons acting on behalf of individual and other specified individuals.	Governor signed. Effective 1/1/20.
<a href="#"><u>HB 2005</u></a> <a href="#"><u>Enrolled</u></a>	This bill creates a family and medical leave insurance program to provide partially or fully compensated time away from work to covered individual who meets certain criteria while a covered individual is on family leave, medical leave or safe leave. This bill provides specified delayed operative dates. Takes effect on 91st day following adjournment sine die.	Governor signed. Effective 9/29/19.

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<b>BILL</b>	<b>SUMMARY</b>	<b>STATUS</b>
<a href="#"><u>HB 2341</u></a> <a href="#"><u>Enrolled</u></a>	This bill makes it an unlawful employment practice for an employer to deny a reasonable accommodation related to pregnancy, childbirth or a related medical condition, or to take certain actions related to reasonable accommodations related to pregnancy, childbirth or a related medical condition.	Governor signed. Effective 1/1/20.
<a href="#"><u>HB 2398</u></a> <a href="#"><u>Enrolled</u></a>	This bill specifies that compensation paid to employees of charitable gaming events is based on Oregon minimum wage standards.	Governor signed. Effective 1/1/20.
<a href="#"><u>HB 2589</u></a> <a href="#"><u>Enrolled</u></a>	This bill clarifies that sexual orientation and transgender status are not considered physical or mental impairments, and an individual does not have a disability solely by reason of an individual's sexual orientation. Declares emergency, effective on passage.	Governor signed. Effective 5/6/19.
<a href="#"><u>HB 2593</u></a> <a href="#"><u>Enrolled</u></a>	This bill conforms Oregon law related to the expression of milk in the workplace to federal law. Effective on 91 <sup>st</sup> day following adjournment sine die.	Governor signed. Effective 9/29/19.
<a href="#"><u>HB 2992</u></a> <a href="#"><u>Enrolled</u></a>	This bill establishes as condition of enforceability of a noncompetition agreement that an employer provide a signed, written copy of the terms of the agreement to the employee within 30 days after termination of the employee's employment.	Governor signed. Effective 1/1/20.
<a href="#"><u>HB 3120</u></a> <a href="#"><u>Enrolled</u></a>	This bill provides that an individual may not be disqualified from unemployment insurance benefits for voluntarily leaving work if they or a family member were a victim of certain crimes. Declares emergency, effective on passage.	Governor signed. Effective 5/24/19.

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**DEAD BILLS**

<b>BILL</b>	<b>SUMMARY</b>
<a href="#"><u>SB 6</u></a>	This bill increases the minimum wage exemption for purposes of garnishment and execution.
<a href="#"><u>SB 83</u></a>	This bill expands the prohibition against requiring an employee to pay the cost of a medical examination as a condition of employment to include consideration for employment.
<a href="#"><u>SB 84</u></a>	This bill broadens the standard under which employment discrimination based on family members may be proved.
<a href="#"><u>SB 85</u></a>	This bill makes employment of minors at a business that permits live entertainment exhibiting obscene performance an unlawful employment practice.
<a href="#"><u>SB 110</u></a>	This bill removes the restriction on the maximum number of hours that certain employers may require or permit employees to work in a single workweek.
<a href="#"><u>SB 280</u></a>	This bill clarifies that "live entertainer" is an employee and not an independent contractor.
<a href="#"><u>SB 284</u></a>	This bill makes it an unlawful employment practice for an employer to collect biometric data from employees.
<a href="#"><u>SB 305</u></a>	This bill changes the minimum contract price at which the prevailing rate of wage applies to public works projects from \$50,000 to an amount that the Oregon Department of Administrative Services determines by rule.
<a href="#"><u>SB 317</u></a>	This bill provides that a person commits a crime of harassment if the person intentionally harasses or intimidates an owner, employee or customer of a licensed child care facility by repeatedly recording an owner, employee or customer outside of a facility.
<a href="#"><u>SB 379 A</u></a>	This bill provides that conditioning employment on refraining from using any substance that is lawful to use in this state is an unlawful employment practice.
<a href="#"><u>SB 525</u></a>	This bill allows certain employers to permit employees to work more than 60 hours in one workweek to cover for employee absences.

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<a href="#"><u>SB 565</u></a>	This bill establishes that decisions related to immunizations are personal health care decisions and that immunizations may not be mandated as a condition of employment for registered nurses or other medical staff unless required by federal law
<a href="#"><u>SB 600</u></a>	This bill adds a requirement that communities be within the same region to determine the required minimum wage to be considered in comparable communities.
<a href="#"><u>SB 679</u></a>	For purposes of unemployment insurance law, this bill modifies the exclusion from the definition of "employment" for individuals making sales of consumer goods or services in home or otherwise than in permanent retail establishment.
<a href="#"><u>SB 750</u></a>	This bill establishes a procedure for an aggrieved person, whistleblower or representative organization to bring an action in the name of the state to recover civil penalties for violations of certain laws related to labor and employment.
<a href="#"><u>SB 947</u></a>	This bill expands the definition of "family member" for purposes of family and medical leave, extends the length of family and medical leave, and requires employers to grant family leave as paid leave. This bill also makes family and medical leave requirements applicable to all employers, regardless of the size of an employer. See HB 3140.
<a href="#"><u>SB 1026 A</u></a>	This bill requires employers of seafood processors to calculate applicable overtime pay for employees on a daily and weekly basis, and pay the greater of the two amounts.
<a href="#"><u>HB 2175</u></a>	This bill removes the restriction on the maximum number of hours that certain employers may require or permit employees to work in a single workweek.
<a href="#"><u>HB 2223</u></a>	This bill prohibits the assessment of a penalty wage as a remedy for an allegation of certain wage and hour violations if an employer did not remedy the violation prior to an employee's separation from employment.
<a href="#"><u>HB 2269 A</u></a>	This bill requires employers with 50 or more employees to expend an amount established by the Oregon Health Policy Board toward providing health care to their employees.
<a href="#"><u>HB 2274</u></a>	This bill shortens the length of time until unpaid wages become abandoned to one-year.
<a href="#"><u>HB 2276</u></a>	This bill removes the authority of a public employer and labor organization to enter into a fair-share agreement.

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<a href="#"><u>HB 2296</u></a>	This bill allows an employer to pay 85% of the minimum wage to an agricultural employee under 21 years of age for the employee's initial 90-days of employment.
<a href="#"><u>HB 2300</u></a>	This bill creates a crime of sexual harassment by electronic means.
<a href="#"><u>HB 2303 B</u></a>	This bill deletes the requirement that pseudoephedrine be classified as a Schedule III controlled substance.
<a href="#"><u>HB 2313</u></a>	This bill requires employers who are authorized to pay subminimum wages to individuals with disabilities to pay certain wage rates until June 30, 2023.
<a href="#"><u>HB 2407</u></a>	This bill reduces the number of districts within which a public works project may be performed for purposes of applying the prevailing rate of wage from fourteen to five.
<a href="#"><u>HB 2409</u></a>	This bill provides that the prevailing rate of wage for a trade or occupation in a locality is the rate of wage set forth in a collective bargaining agreement for a trade or occupation in a locality or, if more than one collective bargaining agreement covers a trade or occupation in a locality, an average of rate of wage set forth in a collective bargaining agreements for trade or occupation in locality.
<a href="#"><u>HB 2410</u></a>	This bill requires contractors and subcontractors employing workers on a public works project to directly incur the costs of providing fringe benefits or contribute to a trustee or third-person under a plan, fund or program that provides fringe benefits.
<a href="#"><u>HB 2413</u></a>	This bill provides that an injured worker is eligible for vocational assistance unless their average weekly wage exceeds 95% of the weekly wage paid for employment in which a worker was engaged at the time of their injury.
<a href="#"><u>HB 2443</u></a>	This bill raises the threshold at which the prevailing rate of wage applies to projects for public works by the amount the Bureau of Labor and Industries specifies by rule.
<a href="#"><u>HB 2483</u></a>	This bill delays the date when a civil action may be brought alleging a violation of certain unlawful employment practices.
<a href="#"><u>HB 2489</u></a>	This bill establishes the conditions of enforceability for certain employment contracts or agreements.

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<a href="#"><u>HB 2498</u></a>	This bill adds to the test to determine whether a person is an independent contractor the requirement that a person not perform services that are within the usual course of business of a person that hired a purported independent contractor.
<a href="#"><u>HB 2547</u></a>	This bill creates an income tax credit for certain employers that are required to provide paid sick leave.
<a href="#"><u>HB 2643</u></a>	This bill provides that membership in a public sector labor organization is voluntary.
<a href="#"><u>HB 2655</u></a>	This bill provides that conditioning employment on refraining from using any substance that is lawful to use in this state is an unlawful employment practice.
<a href="#"><u>HB 2767</u></a>	This bill modifies description of marriage.
<a href="#"><u>HB 2784</u></a>	This bill establishes certain requirements for an employer who hires a homeless day-laborer to perform work for an employer.
<a href="#"><u>HB 2818</u></a>	This bill clarifies the meaning of "because of age" in employment discrimination law.
<a href="#"><u>HB 3022 A</u></a>	This bill makes various changes to Oregon workers' compensation laws.
<a href="#"><u>HB 3031</u></a>	This bill creates a family and medical leave insurance program to provide eligible employees with a portion of their wages while on family and medical leave or military family leave.
<a href="#"><u>HB 3140</u></a>	This bill expands the definition of "family member" for purposes of family and medical leave, extends the length of family and medical leave, and requires employers to grant family leave as paid leave. This bill also makes family and medical leave requirements applicable to all employers, regardless of the size of an employer. See SB 947.
<a href="#"><u>HB 3185</u></a>	This bill allows individuals, and employers on behalf of employees, to enroll in a state medical assistance program upon payment of premiums prescribed by the Oregon Health Authority.
<a href="#"><u>HB 3217</u></a>	This bill makes a contractor liable for unpaid wages, including other benefit payment or contribution, of an employee of a subcontractor at any tier.

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<b>BILL</b>	<b>SUMMARY</b>
<a href="#"><u>HB 3244</u></a>	This bill prohibits an employer from requiring that an employee become or remain a member of a labor organization, or pay dues to a labor organization, as condition for or continuation of employment.
<a href="#"><u>HB 3262</u></a>	This bill imposes an assessment on large employers with employees who receive, or who have minor children who receive, certain types of public assistance, in an amount equal to the public assistance paid.
<a href="#"><u>HB 3333</u></a>	This bill makes it an unlawful employment practice for an employer to request an employee to enter into an agreement that prevents the employee from disclosing unlawful discrimination, including sexual assault. This bill requires all employers to adopt a written policy, procedures and practices for the reduction and prevention of certain types of discrimination, including sexual assault.
<a href="#"><u>HB 3341</u></a>	This bill increases the distance from places of employment, and certain public places, where persons may not smoke, aerosolize or vaporize from 10 feet to 25 feet.
<a href="#"><u>HB 3374</u></a>	This bill establishes a salary threshold for employees who are exempt from overtime requirements.
<a href="#"><u>HB 3385</u></a>	This bill establishes Oregon Paid Family and Medical Leave Board in Department of Consumer and Business Services. The bill also directs the Board to develop a plan to provide family and medical leave insurance benefits to covered individuals. The bill requires the plan to be financed by employee contributions through payroll deductions at rate determined by the Board.
<a href="#"><u>HB 3416</u></a>	For purposes of unemployment insurance law, this bill modifies the exclusion from the definition of "employment" for individuals making sales of consumer goods or services in-home or other than in a permanent retail establishment.

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