MEMORANDUM

DATE: June 28, 2021

RE: Oregon 2021 Legislative Session Update – SB 483 and HB 2818

Oregon's 2021 Legislative Session has ended. We'll do a full recap of the key employment-related bills that became law soon, but we wanted to update you now about two new laws that are already in effect and could have an immediate impact on you and your employees.

Presumption of Retaliation (SB 483): Effective June 15, 2021, SB 483 creates a rebuttable presumption that an employer has unlawfully retaliated against an employee or applicant if the employer terminates an employee or bars an applicant within 60 days after the employee or applicant makes a complaint or engages in other protected activity relating to workplace health or safety. Given the fraught nature of workplace health and safety during the pandemic, employers should be extra cautious when considering discharging employees or rejecting applicants who have made recent health or safety complaints.

Bonuses Excluded from Equal Pay (HB 2818): Effective June 23, 2021, this law removes vaccine incentives, hiring bonuses, and retention bonuses from the definition of "compensation" for purposes of pay equity requirements. The change regarding hiring and retention bonuses will sunset on March 1, 2022, but until then employees cannot pursue an equal pay claim with BOLI or in state court on the basis of these types of payments. These amendments to Oregon's equal pay law seem aimed at two issues wrought by the pandemic: allowing employers to encourage workers to get vaccinated, and a tight labor market where attracting and retaining good people is proving hard for many employers.

For more information, please contact our Labor and Employment attorneys, Amanda Walkup, Andy Lewis and Mario Conte.

This summary provides general information and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you have specific legal questions, you are urged to consult with your attorney concerning your own situation.