

**MEMORANDUM**

DATE: June 2, 2021

RE: Oregon 2021 Legislative Session Update

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May 28, 2021 was an important date in the Oregon Legislature – only bills that have been assigned to a committee and have had work sessions in both chambers by that date still have a chance of becoming law. Here are the key remaining employment-related bills, with links to the full-text:

- Non-Competition Agreements ([SB 169](#)): This bill makes it more difficult for employers to obtain an enforceable non-competition agreement by narrowing the pool of employees who can be required to sign an agreement to those making at least \$100,000 per year. In addition, the bills reduce the duration of such agreements from 18 months to 12 months.

Governor Brown signed this bill, and the effective date is January 1, 2022.

- Presumption of Retaliation ([SB 483](#)): If passed, SB 483 would create 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. The law would take effect upon passage.
- Mandating Driver's Licenses ([SB 569](#)): This bill prohibits an employer from requiring that an employee have a valid driver's license as a condition of employment unless the job requires driving as an essential function, or the requirement is related to a legitimate business purpose.

This bill has passed in both chambers and is awaiting signature.

- Child Care Accommodation ([SB 716](#)): This bill requires employers to reasonably accommodate employees' requests not to be scheduled or to change their schedule because of matters related to child care.

This bill has passed in both chambers and is awaiting signature. This bill declares an emergency, and becomes effective on passage.

- Overtime for Ag Workers ([HB 2358](#)): This bill requires agricultural employers to pay their employees overtime—1.5 times the regular rate of pay—for each hour in excess of 40 hours in one workweek.
- Extension of Time to File ([HB 2420](#)): If passed, this bill extends the deadline to one year for an employee to file a BOLI complaint alleging retaliation or discrimination for reporting unsafe working conditions; the current deadline for making such a report is 90 days.

- Oregon Family Leave Act (HB 2474): This bill proposes changing OFLA in the following ways: (a) any employer with at least one employee will be subject to OFLA (currently the law only applies to employers with 25 or more employees); (b) employees become eligible for leave after 30 days of employment (currently 180 days and an average of 25 worked hours per week); (c) eliminates any disciplinary action if the employee fails to provide advance notice of the need for leave; and (d) expands the definition of “sick child” to include care for the employee’s child whose school or day care is closed due to a public health emergency (this has already been added to the OFLA regulations).

This bill has passed in both chambers and is awaiting signature.

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.*