



Fresh from the Legislature:
Recent Changes in Oregon Civil Rights Law

BOLI’s Civil Rights Division enforces laws granting job seekers and employees equal access to jobs, career schools, promotions, and a work environment free from discrimination or harassment. Each year, the Division fields about 25,000 inquiries and investigates nearly 2,200 cases.

Recent changes to Oregon Civil Rights law, made by the 75th Legislative Assembly, are listed below. BOLI CRD staff is available to answer questions regarding existing or new civil rights law and filing a complaint (971-673-0764). Employers with questions regarding proper application of the law can utilize the Bureau’s Technical Assistance for Employers Program, which will be offering guidance on our website (www.oregon.gov/boli/ta), seminars on these new laws and is available to answer employer questions by phone (971-673-0824) or email (bolita.ta@state.or.us).

Bill	Description
HB 2298	Includes overtime in calculation of amounts of donated leave employee of State of Oregon, county, municipality or other political subdivision may receive. <ul style="list-style-type: none"> • <i>Passed House 59-0; passed Senate 26-0</i> • <i>Effective January 1, 2010</i>
HB 2510	Strengthens veterans’ preference in hiring for public employment, clarifying definitions and removing 15-year limit on preference. <ul style="list-style-type: none"> • <i>Passed House 58-0; passed Senate 26-0</i> • <i>Effective January 1, 2010</i>
HB 2600	Requires certain lodging facilities with 175 or more units to provide a lift system for persons with disabilities to access bed, toilet and shower or bath. <ul style="list-style-type: none"> • <i>Passed House 41-15; passed Senate 21-7</i> • <i>Effective upon enrollment</i>
HB 2744	Requires employers of 25 or more persons in Oregon to provide leave to spouses of service members prior to deployment or during leave from active duty during periods of military conflict. <ul style="list-style-type: none"> • <i>Passed House 58-0; passed Senate 27-0</i> • <i>Effective June 25, 2009</i>
HB 3162	Makes discrimination against employee who reports violation of state or federal laws, rules or regulations unlawful employment practice. <ul style="list-style-type: none"> • <i>Passed House 41-19; passed Senate 26-4</i> • <i>Effective January 1, 2010</i>
HB 3256	Creates protection for uniformed service members from unlawful employment practices by employers on the basis of service commitments. <ul style="list-style-type: none"> • <i>Passed House 56-3; passed Senate 28-0</i> • <i>Effective January 1, 2010</i>
SB 56	Requires complainant to sign complaint alleging unlawful practice of discrimination. <ul style="list-style-type: none"> • <i>Passed Senate 27-1; passed House 59-0</i> • <i>Effective January 1, 2010</i>

(continued)



Fresh from the Legislature:
Recent Changes in Oregon Civil Rights Law (cont.)

SB 58	Allows landlord to condition permission for modification to real property on renter's agreement to restore interior of premises to pre-modification condition. <ul style="list-style-type: none"> • <i>Passed Senate 29-0; passed House 59-0</i> • <i>Effective May 21, 2009</i>
SB 59	Allows award of prevailing party costs and reasonable attorney fees to intervenor in housing discrimination hearing. <ul style="list-style-type: none"> • <i>Passed Senate 28-1; passed House 59-0</i> • <i>Effective July 1, 2009</i>
SB 60	Strengthens BOLI authority to recover collection fees on judgments against respondents, ensuring that claimants receive the full judgment owed to them. <ul style="list-style-type: none"> • <i>Passed Senate 22-6; passed House 58-1</i> • <i>Effective January 1, 2010</i>
SB 519	Prohibits employer from taking adverse employment action against employee who declines to attend meeting or participate in communication concerning employer's opinion about religious or political matters. <ul style="list-style-type: none"> • <i>Passed Senate 16-14; passed House 34-24</i> • <i>Effective January 1, 2010</i>
SB 786	Requires employer to provide reasonable accommodation to religious observance or practice of employee unless providing the accommodation would impose an undue hardship on the employer. <ul style="list-style-type: none"> • <i>Passed Senate 19-11; passed House 38-21</i> • <i>Effective January 1, 2010</i>
SB 874	Conforms Oregon disability law with the Americans with Disabilities Act Amendments Act of 2008, strengthening protections for individuals with disabilities. <ul style="list-style-type: none"> • <i>Passed Senate 18-10; passed House 40-17</i> • <i>Effective January 1, 2010</i>
SB 875	Prohibits person from charging fee or deposit for assistance animal in rented housing. <ul style="list-style-type: none"> • <i>Passed Senate 30-0; passed House 52-4</i> • <i>Effective upon enrollment</i>
SB 928	Prohibits employer from taking certain employment actions toward individual who is victim of domestic violence, sexual assault or stalking. <ul style="list-style-type: none"> • <i>Passed Senate 25-3; passed House 57-0</i> • <i>Effective January 1, 2010</i>

Fresh from the Legislature:
Unsuccessful Civil Rights Legislation

Bill	Description
HB 2319	Changes unlawful discrimination laws that determine if individual is person with disability to be more similar to federal Americans with Disabilities Act. <ul style="list-style-type: none"> • <i>Died in House Judiciary Committee</i>

(continues)



Fresh from the Legislature:
Unsuccessful Civil Rights Legislation (cont)

HB 2497	Expands ability of employer to prohibit use of medical marijuana in workplace. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</i>
HB 2503	Prohibits discrimination in employment under certain circumstances if discrimination is based on person’s status as medical marijuana registry cardholder or use of medical marijuana off property or premises of employment or during hours that are not hours of employment. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</i>
HB 2555	Defines “individual with a disability” for products of individuals with disabilities as individual who receives Social Security disability benefits or Social Security income. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</i>
HB 2692	Establishes that employee who returns to work after taking family leave is entitled to be restored to available equivalent position instead of being restored to same position of employment held by employee before taking leave. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor, Subcommittee on Workforce Development</i>
HB 2708	Requires employer to verify legal status of employee to be employed in United States through federal E-Verify program prior to deducting expenses related to worker's employment from Oregon taxable income. <ul style="list-style-type: none"> • <i>Died in House Judiciary Committee</i>
HB 2717	Allows court to award punitive damages in public employee whistleblower case. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</i>
HB 2748	Prohibits public employer from laying off or terminating employee who does not speak Spanish. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</i>
HB 2821	Prohibits covered employer from requiring eligible employee to use accrued vacation leave when taking family leave. <ul style="list-style-type: none"> • <i>Died in Senate Committee on Rules</i>
HB 3027	Prohibits discrimination in real property transactions based on person receiving federal rent subsidy payments and other local, state or federal housing assistance. <ul style="list-style-type: none"> • <i>Died in House Committee on Sustainability & Economic Development</i>
HB 3052	Expands ability of employer to prohibit use of medical marijuana in workplace. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</i>
HB 3160	Creates Family Leave Benefits Insurance Program to provide benefits to employees taking family leave. <ul style="list-style-type: none"> • <i>Died in House Committee on Human Services</i>
HB 3215	Requires employers to verify immigration status of employees hired after January 1, 2009. <ul style="list-style-type: none"> • <i>Died in House Judiciary Committee</i>
HB 3362	Provides credit against income taxes for English as a second language class. <ul style="list-style-type: none"> • <i>Died in House Committee on Education</i>
HB 3449	Prohibits discrimination against individual because of individual’s height or weight. <ul style="list-style-type: none"> • <i>Died in House Committee on Human Services</i>

(continues)



Commissioner Brad Avakian
Bureau of Labor and Industries

Fresh from the Legislature:
Unsuccessful Civil Rights Legislation (cont)

SB 57	Provides that employer commits unlawful employment practice if employer discriminates against employee or job applicant based on fact that member of employee's or applicant's family works or worked for employer, even though employer has mixed motives for discrimination. <ul style="list-style-type: none">• <i>Died in Senate Judiciary Committee</i>
SB 358	Imposes limits on awards of punitive damages based on nature of action and type of defendant. <ul style="list-style-type: none">• <i>Died in Senate Judiciary Committee</i>
SB 426	Expands ability of employer to prohibit use of medical marijuana in workplace. <ul style="list-style-type: none">• <i>Died in Senate Committee on Commerce & Workforce Development</i>
SB 427	Allows employer to adopt comprehensive drug-free workplace program, including drug and alcohol testing policies. <ul style="list-style-type: none">• <i>Died in Senate Committee on Commerce & Workforce Development</i>
SB 471	Prohibits state or local government from discriminating against homeowner by imposing permit requirement for certain rentals. <ul style="list-style-type: none">• <i>Died in Senate Committee on Consumer Protection & Public Affairs</i>
SB 638	Requires granting of school activity leave to employees in same manner as provided for family leave. <ul style="list-style-type: none">• <i>Died in Senate Committee on Commerce & Workforce Development</i>
SB 707	Provides that employer who discloses information about current or former employee's job performance to prospective employer of employee is presumed to be acting in good faith and immune from civil liability unless presumption is rebutted by clear and convincing evidence. <ul style="list-style-type: none">• <i>Died in Senate Committee on Commerce & Workforce Development</i>
SB 727	Establishes unlawful employment practice of subjecting employee to abusive work environment. <ul style="list-style-type: none">• <i>Died in Senate Judiciary Committee</i>
SB 805	Requires employer to provide leave to certain employees who are spouses of members of military forces that are on active duty during periods of military conflict. <ul style="list-style-type: none">• <i>Died in Senate Committee on Commerce & Workforce Development</i>