



2011 Legislative Summary:
Recent Changes in Labor & Employment Law

BOLI's Technical Assistance for Employers Program provides educational seminars and other services to Oregon employers to help them comply with state and federal laws. When employers have up-to-date information about changes in the law, they can avoid unnecessary complaints, benefiting both employers and employees.

This list highlights changes made to Oregon labor and employment laws by the 76th Legislative Assembly. The TA Program has also published a new handbook detailing these, and other, recent changes to labor and employment law. Technical Assistance staff is available to answer specific questions about recent changes (971-673-0824).

Bill	Description
HB 2034	Amends state apprenticeship statutes to maintain required conformance with revised regulations adopted by the USDOL, Employment and Training Administration. The new regulations update labor standards, policies and procedures for the registration, cancellation and deregistration of apprenticeship programs, apprenticeship agreements, and administration of the National Apprenticeship System. <ul style="list-style-type: none"> • <i>Passed House 58-1; passed Senate 30-0</i> • <i>Effective May 27, 2011</i>
HB 2036	Makes five technical corrections to civil rights law: 1) Corrects references in ORS 659A.106 that relate to employment to refer only to employment-related disability statutes (ORS 659A.112 to 659A.139); 2) Allows BOLI to enforce law providing protected leave to attend a criminal proceeding (ORS 659A.194 (2)); 3) Changes "socializing" back to "socialization" in ORS 659A.104 (2); 4) Deletes unnecessary or conflicting provisions in ORS 659A.303 and 659A.855; and 5) Clarifies that an employer may consider the credit history of applicants for public safety officer employment. <ul style="list-style-type: none"> • <i>Passed House 58-0; passed Senate 29-0</i> • <i>Effective June 1, 2011</i>
HB 2039	Subjects employer that issues dishonored check for payment of wages to statutory damages equal to those in ORS 30.701 and limited to the greater of \$100 or triple the amount for which the check is drawn (and capped at check amount + \$500). Damages are payable to the employee, if awarded by a BOLI administrative proceeding. <ul style="list-style-type: none"> • <i>Passed House 58-0; passed Senate 28-2</i> • <i>Effective January 1, 2012</i>



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HB 2040	Makes four technical changes to wage and hour laws that: 1) maintain conformity with the unclaimed property act; 2) allow for the electronic provision of required posters; 3) require that wage demand notices include amount being claimed; and 4) update outdated terms related to manufacturing personnel. <ul style="list-style-type: none">• <i>Passed House 58-0; passed Senate 29-0</i>• <i>Effective January 1, 2012</i>
HB 2091	Authorizes Director of Department of Consumer and Business Services (DCBS) to determine languages other than English and Spanish in which certain safety rights information is made available to agricultural employers for required dissemination to employees. (Existing statute specifies Russian, Thai, Japanese, Chinese, Laotian, Vietnamese, Korean and Cambodian as well as English and Spanish.) <ul style="list-style-type: none">• <i>Passed House 45-10; passed Senate 26-0</i>• <i>Effective January 1, 2012</i>
HB 2117	Corrects references to deleted provision relating to schools that offer certain religious degrees that, on specified date, had obtained religious exemption adopted by rule by Oregon Student Assistance Commission. <ul style="list-style-type: none">• <i>Passed House 58-0; passed Senate 29-0</i>• <i>Effective January 1, 2012</i>
HB 2240	Repeals sunset on provisions permitting employee who serves food or beverages, receives tips and reports tips to employer, to waive meal period, and prohibiting employer from coercing employee into waiving meal period. <ul style="list-style-type: none">• <i>Passed House 60-0; passed Senate 27-2</i>• <i>Effective January 1, 2012</i>
HB 2241	Expands definition of term “uniformed service” for purpose of employment protections for members of uniformed service to match federal definition. <ul style="list-style-type: none">• <i>Passed House 60-0; passed Senate 29-0</i>• <i>Effective April 14, 2011</i>
HB 2270	Directs Oregon Business Development Department to explore feasibility of establishing Business Ombudsman position and related website. <ul style="list-style-type: none">• <i>Passed House 46-12; passed Senate 20-8</i>• <i>Effective January 1, 2012</i>
HB 2335	Clarifies that requirement that federal funds received by Department of Transportation to be used for increasing diversity in highway construction workforce applies to federal funds received each biennium. <ul style="list-style-type: none">• <i>Passed House 55-2; passed Senate 25-5</i>• <i>Effective January 1, 2012</i>



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HB 2347	Excludes officiating services at amateur sporting events from definition of “employment” for purposes of unemployment insurance taxation. <ul style="list-style-type: none">• <i>Passed House 60-0; passed Senate 26-0</i>• <i>Effective January 1, 2012</i>
HB 2353	Clarifies requirements for obtaining services from Oregon Career Readiness Certification Program. <ul style="list-style-type: none">• <i>Passed House 60-0; passed Senate 30-0</i>• <i>Effective May 27, 2011</i>
HB 2403	Directs certain state agencies to partner with Oregon Military Department to provide reintegration services for veterans. <ul style="list-style-type: none">• <i>Passed House 59-0; passed Senate 29-0</i>• <i>Effective April 14, 2011</i>
HB 2470	Exempts meetings of Interagency Compliance Network and of member agencies for Interagency Compliance Network purposes from public meetings law. <ul style="list-style-type: none">• <i>Passed House 49-10; passed Senate 26-4</i>• <i>Effective June 9, 2011</i>
HB 2682	Increases minimum wage exemption for purposes of garnishment and other execution. <ul style="list-style-type: none">• <i>Passed House 56-1; Passed Senate 27-0</i>• <i>Effective June 2, 2011</i>
HB 2828	Creates unlawful employment practice if employer who employs 10 or more persons ceases to provide health, disability, life or other insurance during period employee is serving or is scheduled to serve as juror and employee notified employer of election to have coverage continue. <ul style="list-style-type: none">• <i>Passed House 60-0; passed Senate 30-0</i>• <i>Effective January 1, 2012</i>
HB 3030	Exempts certain individuals providing volunteer golf course marshal services from minimum wage standards. <ul style="list-style-type: none">• <i>Passed House 59-1; passed Senate 26-0</i>• <i>Effective January 1, 2012</i>
HB 3034	Provides that judge or clerk of court may defer jury service for person more than once only for good cause. Requires person requesting second deferral to provide list of not fewer than 10 dates within following six-month period on which person would be able to commence jury duty. Provides that employer may not require that employee use vacation leave, sick leave or annual leave for time spent by employee in responding to summons for jury duty and that employer must allow employee to take leave without pay for time spent by employee in responding to summons for jury duty. <ul style="list-style-type: none">• <i>Passed House 56-0; passed Senate 26-0</i>• <i>Effective January 1, 2012</i>



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HB 3207	Requires public employer to interview each veteran who applies for civil service position or eligibility list and who has obtained through military education or experience skills that substantially relate to civil service position. <ul style="list-style-type: none">• <i>Passed House 55-2; passed Senate 30-0</i>• <i>Effective January 1, 2012</i>
HB 3362	Creates \$2 million grant program within the Department of Education to restore Career and Technical Education in middle and high schools. <ul style="list-style-type: none">• <i>Passed House 58-0; passed Senate 29-0</i>• <i>Effective Aug. 2, 2011</i>
HB 3482	Requires certain employers to allow eligible employees to take unpaid leave to address issues arising from harassment. <ul style="list-style-type: none">• <i>Passed House 45-15; passed Senate 28-0</i>• <i>Effective August 2, 2011</i>
HB 3450	Reduces to 72 hours minimum time before first day of employment that employer is required to notify employee in written employment offer that arbitration agreement is required as condition of employment. <ul style="list-style-type: none">• <i>Passed House 59-0; passed Senate 29-1</i>• <i>Effective January 1, 2012</i>
HB 3482	Requires certain employers to allow eligible employees to take unpaid leave to address issues arising from harassment. <ul style="list-style-type: none">• <i>Passed House 45-15; passed Senate 28-0</i>• <i>Effective August 2, 2011</i>
SB 72	Clarifies definition of “disabled veteran” for purposes of statutes relating to veterans’ preferences in public employment. <ul style="list-style-type: none">• <i>Passed House 58-0; passed Senate 29-0</i>• <i>Effective May 16, 2011</i>
SB 110	Allows Employment Department to notify agent of employing unit of unemployment insurance benefits claim or denial of claim. <ul style="list-style-type: none">• <i>Passed House 58-0; passed Senate 29-0</i>• <i>Effective May 5, 2011</i>
SB 175	Creates Oregon Employer Workforce Training Program and Oregon Youth Employment Program in Department of Community Colleges and Workforce Development. <ul style="list-style-type: none">• <i>Passed House 52-3; passed Senate 30-0</i>• <i>Effective January 1, 2012</i>



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SB 178	Removes requirement for Commissioner of Bureau of Labor and Industries to compare state and federal prevailing rates of wage and make results of comparison available when commissioner determines state prevailing rate of wage. <ul style="list-style-type: none">• <i>Passed House 56-3; passed Senate 28-2</i>• <i>Effective June 7, 2011</i>
SB 241	Requires state agencies to ask if customer or client is veteran and provide information from Department of Veterans' Affairs and reintegration team within Oregon Military Department to veterans. <ul style="list-style-type: none">• <i>Passed House 57-0; passed Senate 26-0</i>• <i>Effective January, 1 2012</i>
SB 277	Clarifies that veteran or disabled veteran who applies for vacant civil service position or who seeks promotion to civil service position with higher maximum salary rate is entitled to veterans' preference. <ul style="list-style-type: none">• <i>Passed House 53-0; passed Senate 30-0</i>• <i>Effective May 19, 2011</i>
SB 637	Provides for state "on" indicator for any week when rate of insured unemployment is at least 6.5 percent and average rate of total unemployment in Oregon for most recent three-month period is at least 110 percent of average for any corresponding three-month period ending in three preceding years. <ul style="list-style-type: none">• <i>Passed House 57-0; passed Senate 30-0</i>• <i>Effective March 24, 2011</i>
SB 638	Provides for payment of Oregon emergency benefits to qualifying individuals during emergency benefit period. <ul style="list-style-type: none">• <i>Passed House 49-9; passed Senate 26-4</i>• <i>Effective March 24, 2011</i>
SB 725	Authorizes Director of the Employment Department to waive recovery of benefits paid due to nonclaimant error if director finds recovery of benefits would be against equity and good conscience. <ul style="list-style-type: none">• <i>Passed House 34-24; passed Senate 30-0</i>• <i>Effective June 23, 2011</i>
SB 898	Allows Oregon Liquor Control Commission to request proof that person performing work at OLCC-licensed premises meets applicable minimum age requirements. Allows OLCC to order person to immediately cease activity if proof of age is not supplied. <ul style="list-style-type: none">• <i>Passed Senate 28-0; passed House 59-0</i>• <i>Effective January 1, 2012</i>
SJM 17	Urges Wage and Hour Division of United States Department of Labor to lessen restrictions on youth employment in forestry-related jobs. <ul style="list-style-type: none">• <i>Passed House 53-0; passed Senate 30-0</i>• <i>Filed with the Secretary of State May 13, 2011</i>