



Fresh from the Legislature:
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 75th Legislative Assembly. In the coming months, TA will be offering guidance on our website (www.oregon.gov/boli/ta) and you will be able to have questions answered by our expert staff (971-673-0824).

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 2377	Prohibits person of any age from operating motor vehicle while using mobile communication device except under certain circumstances. <ul style="list-style-type: none"> • <i>Passed House 39-20; passed Senate 16-13</i> • <i>Effective January 1, 2010</i>
HB 2433	Authorizes Director of Department of Consumer and Business Services to increase availability of state continuation of health care coverage for qualified persons whose employment has been terminated. <ul style="list-style-type: none"> • <i>Passed House 59-0; passed Senate 28-0</i> • <i>Effective April 28, 2009</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 2595	Prohibits certain employers from compensating nurses who provide home health or hospice services on per-visit basis. <ul style="list-style-type: none"> • <i>Passed House 59-0; passed Senate 20-5</i> • <i>Effective January 1, 2010</i>
HB 2540	Repeals statutory designation of person or organization engaging services of musician as employer of musician for purposes of unemployment insurance compensation taxes unless written contract between parties provides exception. <ul style="list-style-type: none"> • <i>Passed House 60-0; passed Senate 29-0</i> • <i>Effective April 28, 2009</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 January 1, 2010</i>

(continues)



Commissioner Brad Avakian
Bureau of Labor and Industries

Fresh from the Legislature:
Recent Changes in Labor & Employment Law (cont)

HB 2713	Applies disciplinary action provisions to all public safety officers. <ul style="list-style-type: none">• <i>Passed House 50-8; passed Senate 20-10</i>• <i>Effective January 1, 2010</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 2778	Requires Department of Administrative Services to identify entry-level and light-duty assignments for injured state workers employed by executive or administrative departments of Oregon. <ul style="list-style-type: none">• <i>Passed House 59-0; passed Senate 30-0</i>• <i>Effective July 1, 2009</i>
HB 2815	Relating to compliance with laws relating to the conduct of business; appropriating money; and declaring an emergency. <ul style="list-style-type: none">• <i>Passed House 44-15; passed Senate 22-7</i>• <i>Effective July 28, 2009</i>
HB 2826	Increases hours during which children under 16 years of age may work. <ul style="list-style-type: none">• <i>Passed House 59-0; passed Senate 26-0</i>• <i>Effective January 1, 2010</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>
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 373	Provides that obligor and obligee under support order may bring civil action for damages against employer or other person who withholds money under order to withhold, but who fails to pay withheld amounts within time allowed by law. <ul style="list-style-type: none">• <i>Passed Senate 25-1; passed House 60-0</i>• <i>Effective January 1, 2010</i>

(continues)



Fresh from the Legislature:
Recent Changes in Labor & Employment Law (cont)

SB 462	Extends definition of "base year" to include most recent four calendar quarters preceding benefit year for purpose of determining eligibility for unemployment insurance benefits. <ul style="list-style-type: none"> • <i>Passed Senate 27-3; passed House 59-0</i> • <i>Effective July 1, 2009</i>
SB 469	Exempts individual under age 17 from requirements to obtain business license or permit for sole proprietorship. <ul style="list-style-type: none"> • <i>Passed Senate 30-0; passed House 59-0</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 House 40-17; passed Senate 18-10</i> • <i>Effective January 1, 2010</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 Labor & Employment Legislation

Bill	Description
HJR 32	Encourages state agencies to adopt compressed schedule in which employees work 10-hour days during four-day workweek. <ul style="list-style-type: none"> • <i>Died in House Rules Committee</i>
HB 2279	Provides that obligor under support order may bring civil action for damages against employer or other person who withholds money under order to withhold if withheld amounts exceed amount specified in order or are not paid within time allowed by law. <ul style="list-style-type: none"> • <i>Died in House Judiciary Committee</i>

continues



Fresh from the Legislature:
Unsuccessful Labor & Employment Legislation (cont)

Bill	Description
HB 2282	Allows civil action against employer of obligor under child support judgment, or against person for which obligor has contracted to perform services, if obligor’s employment or contractual relationship is designed, in part, to avoid payment in whole or part of obligor’s child support obligation. <ul style="list-style-type: none"> • <i>Died in House Judiciary Committee</i>
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>
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 2887	Requires that medical assistance be provided to individuals who qualify for Social Security disability benefits but do not receive Medicare coverage due to five-month waiting period for benefits or 24-month waiting period for Medicare. <ul style="list-style-type: none"> • <i>Died in House Committee on Human Services</i>

continues



Fresh from the Legislature:
Unsuccessful Labor & Employment Legislation (cont)

Bill	Description
HB 2903	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>Died in Senate Committee on Commerce & Workforce Development</i>
HB 2890	Establishes meaning of “employee” for purposes of classification of workers. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</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 3053	Suspends adjustment to Oregon minimum wage rate if Oregon unemployment rate exceeds national unemployment rate. <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 3171	Provides that judge or clerk of court may not defer jury service for person more than once unless person seeks deferral for good cause. <ul style="list-style-type: none"> • <i>Died in Senate Judiciary Committee</i>
HB 3190	Requires Oregon Department of Administrative Services to establish Retired Senior Volunteer Program. <ul style="list-style-type: none"> • <i>Died in House Committee on Human Services</i>
HB 3191	Establishes Oregon Retired Senior Volunteer Program within Department of State Police. <ul style="list-style-type: none"> • <i>Died in Joint Committee on Ways & Means, Subcommittee on Public Safety</i>
HB 3192	Requires Department of Education to establish Retired Senior Volunteer Program. <ul style="list-style-type: none"> • <i>Died in House Committee on Education</i>
HB 3193	Establishes Retired Senior Volunteer Program within Department of Human Services. <ul style="list-style-type: none"> • <i>Died in House Committee on Health Care</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 3326	Defines and modifies definitions of certain terms for purposes of statutes relating to hours, wages, wage claims and employment conditions. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</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>

continues



Commissioner Brad Avakian
Bureau of Labor and Industries

Fresh from the Legislature:
Unsuccessful Labor & Employment Legislation (cont)

Bill	Description
HB 3403	Requires employer to pay final wages to an employee who has been discharged or terminated within five working days of date of cessation of employment. <ul style="list-style-type: none"> • <i>Died in House Committee on Business & Labor</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>
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 382	Creates process for forestland owners or cooperative associations of log haulers to petition State Forester to determine rate of compensation for log haulers. <ul style="list-style-type: none"> • <i>Died in Senate Committee on Commerce & Workforce Development</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>
SB 830	Requires Commissioner of Bureau of Labor and Industries to calculate minimum wage for individual Oregon localities on basis of median income of those localities. <ul style="list-style-type: none"> • <i>Died in Senate Committee on Commerce & Workforce Development</i>
SB 967	Provides that prevailing wage laws do not apply to certain public works projects funded by or through school districts. <ul style="list-style-type: none"> • <i>Died in Senate Committee on Commerce & Workforce Development</i>