

The 2019 Legislature has introduced the following legislation that may be of interest to our section members. You can view the text of these bills and track their committee and hearing status by clicking on the links below.

- [HB 2212](#) Appropriates moneys from General Fund to Oregon Department of Administrative Services for purposes of providing financial assistance to state agencies that provide workplace accommodations for employees with disabilities.
- [HB 2453](#) Directs Oregon Business Development Department to develop workforce development plan to communicate advantages of Eastern Oregon Border Economic Development Region in order to encourage people to move to and work in region.
- [HB 2859](#) Creates privilege against disclosure for specified confidential communications [concerning reports or consultation about harassment experienced or witnessed] and records created or maintained by Legislative Equity Office principal outreach officer.
- [HB 2869](#) Allows public employee who is eligible for public employee health benefit plan coverage to be paid employer contribution for enrolling in public employee health benefit plan of family member if public employee resides in county with population of 40,000 or less.
- [HB 2886](#) Modifies law regarding requirement that public employer grant preference to veteran or disabled veteran in selection process for civil service position. Modifies law regarding requirement that public employer grant preference to veteran or disabled veteran in selection process for civil service position. Limits eligibility for preference to veteran who applies for position within 10 years from discharge or release from military service. Requires evidence of eligibility and disability to be provided at time of application. Sets forth processes for granting one or more preferences. Allows public employer to exercise discretion not to appoint qualified veteran or disabled veteran to civil service position based solely on veteran's or disabled veteran's merits or qualification in final stage of selection process. Requires public employer to provide written reasons for not appointing veteran or disabled veteran to position under certain circumstances. Requires aggrieved veteran or disabled veteran to exhaust nonjudicial remedies with Bureau of Labor and Industries before filing civil action for unlawful employment practice.
- [SB 332](#) Relating to veteran's preferences. If interview is element of hiring process for civil service position, public employer must interview each veteran who meets minimum and special qualifications for position, eliminates requirement that veteran possess transferable skills from military experience or education and eliminates exception for public employer that conducts interview only for selection of candidate from eligibility list.
- [SB 26](#) Directs Director of the Oregon Health Authority or director's designee to discharge employee at facility under jurisdiction of authority if it has been substantiated that employee physically or sexually abused patient or client. [Has passed Senate]
- [SB 272](#) Includes assistant attorneys general among public employees who are prohibited from striking.
- [SB 273](#) Allows base pay of attorneys who are employed by public corporation, nonprofit organization, public university or city or county in this state and who perform

substantially similar work to be used for comparison of compensation for assistant attorneys general.

- [SB 280](#) Clarifies that "live entertainer" is employee and not independent contractor, sets age limit of 18 and older and requires employers to submit proof of age to BOLI.
- [SB 494](#) Requires employers who are authorized to pay subminimum wages to individuals with disabilities to pay certain wage rates until June 30, 2023.
- [SB 284](#) Makes it unlawful employment practice for employer to collect biometric data from employees. ["Biometric data" is any information, regardless of how it is captured, converted, stored or shared, that is based on an individual's biometric identifier and that may be used to identify an individual. (b) "Biometric identifier" is any measurement of an individual's biological patterns or characteristics, including but not limited to: (A) Retina or iris scans; and (B) Voiceprints. (4) Nothing in this section is intended to limit the authority of an employer to require the fingerprints of an employee or prospective employee for the purpose of requesting a state or nationwide criminal records check under ORS 181A.195.]
- [SB 325](#) Requires state agencies to use federal E-Verify employment verification system to verify employment eligibility of job applicants.
- [SB 519](#) Increases minimum wage exemption for purposes of garnishment and execution.
- [SB 344](#) Appropriates moneys from General Fund to State Workforce and Talent Development Board for distribution to local workforce development boards.
- [SB 370](#) Requires employer to provide notice to employees of upcoming inspection by federal agency of employer's records regarding identity and employment eligibility of employees within 72 hours of employer's receipt of notice of inspection from agency. Allows employer to refuse to consent to entry by federal agency absent judicial warrant.
- [SB 379](#) Provides that conditioning employment on refraining from using any substance that is lawful to use in this state is unlawful employment practice. Exceptions for bona fide occupational qualification and performance of work while impaired.
- [HB 2655](#) Provides that conditioning employment on refraining from using any substance that is lawful to use in this state is unlawful employment practice. Same exceptions.
- [SB 383](#) Restricts arbitration award from ordering disciplinary action that differs from disciplinary action imposed by law enforcement agency if arbitrator makes finding of employee misconduct, consistent with agency's finding of misconduct, and disciplinary action imposed by agency was made pursuant to discipline guide incorporated into agency's disciplinary policies.
- [SB 437](#) Modifies provisions relating to arbitration award that orders reinstatement of public employee or otherwise relieves public employee of responsibility for misconduct.
- [SB 392](#) Removes substantive language from definition of "workweek" for purposes of provisions governing overtime – provides that a workweek may begin on any day of the week and at any hour of the day and may be changed if change is intended to be

permanent and not for the purpose of evading OT. Also provides an exception to maximum work hour rules for onion sorting and packing manufacturing facilities.

- [HB 2175](#) Removes restriction on maximum number of hours that certain employers may require or permit employees to work in single workweek.
- [SB 110](#) Removes restriction on maximum number of hours that certain employers may require or permit employees to work in single workweek.
- [SB 525](#) Allows certain employers to permit employees to work more than 60 hours in one workweek to cover for employee absences.
- [SB 722](#) "Government Shutdown Bill" - Authorizes Director of Employment Department to prescribe rules that provide individual may not be excluded from being deemed unemployed solely because of service performed for employing unit under legal compulsion for which individual has not received pay on individual's regular payday.
- [SB 479](#) Requires public employers to adopt policies to prevent workplace harassment.
- [SB 530](#) Requires that collective bargaining agreements with state agency within executive branch be negotiated and entered into in even-numbered year preceding biennium in which agreement takes effect.
- [SB 551](#) Redirects employee contributions made by member of system from individual account program to account to be used to pay for member's pension or other retirement benefits accrued on or after January 1, 2020.
- [SB 554](#) Changes calculation of final average salary for purposes of Public Employees Retirement System to use five years of salary instead of three years, for salary paid on and after January 1, 2020.
- [SB 555](#) Eliminates option of members of individual account program of Public Employees Retirement System to receive distributions as installment payments upon retirement.
- [HB 2616](#) Directs Public Employees Retirement Board to reimburse certain recipient of reduced payment under Public Employees Retirement System if recipient establishes that payment was subject to Oregon personal income tax.
- [HB 2785](#) Provides that employees of Oregon State Hospital qualify as police officers under Public Employees Retirement System.
- [HB 2786](#) Provides that district attorneys and deputy district attorneys qualify as police officers under Public Employees Retirement System.
- [HB 2838](#) Provides that hours worked by retired police officer employed by school district to provide law enforcement, security or safety services do not count for purposes of limitations on reemployment of retired member of Public Employees Retirement System.
- [SB 148](#) Requires members of Public Employees Retirement System to elect to participate in pension programs and traditional individual account program, or to participate in alternative individual account program, on and after July 1, 2020.
- [SB 149](#) Directs Public Employees Retirement Board to study options for allowing retired members of the Public Employees Retirement System to be reemployed by participating

public employer and for member and employer to make contributions to system to be applied against unfunded liabilities of system.

- [SB 187](#) Provides that judicial marshal certified by Department of Public Safety Standards and Training qualifies as police officer under Public Employees Retirement System.
- [HB 2335](#) Provides that hours worked by school marshal providing security in school do not count for purposes of limitations on reemployment of retired member of Public Employees Retirement System.
- [HB 2288](#) Requires that percentage of net lottery proceeds from sports betting games be applied against unfunded actuarial liability of Public Employees Retirement System.
- [HB 2417](#) Establishes alternate death benefit for surviving spouse of member of Public Employees Retirement System who dies before retirement.
- [HB 2861](#) Directs Public Employees Retirement Board to provide members of individual account program of Public Employees Retirement System with written disclosure statement about investment options available under program.
- [SB 343](#) Redirects employee contribution to Public Employees Retirement System to account to be transferred to School Districts Unfunded Liability Fund upon employee's retirement.
- [SB 531](#) Redirects employee contribution to Public Employees Retirement System to account to be used to pay for pension or other retirement benefits payable to member or member's beneficiary accrued on or after January 1, 2020.
- [SB 532](#) Requires member of individual account program of Public Employees Retirement System and member's employer to each contribute three percent of member's salary to individual account program.
- [SB 533](#) Redirects employee contribution to Public Employees Retirement System to account to be used to pay for pension or other retirement benefits payable to member or member's beneficiary accrued on or after January 1, 2020.
- [SB 550](#) Provides that statutes providing for Oregon Retirement Savings Plan create contract between State of Oregon and participants in retirement plan providing that contributions to retirement plan may not be combined with moneys contained in Public Employees Retirement Fund.
- [SB 565](#) Establishes that decisions related to immunizations are personal health care decisions and that immunizations may not be mandated as condition of employment for registered nurses or other medical staff unless required by federal law.
- [SB 571](#) Creates credit against income tax for taxpayers with not more than 100 employees that create 10 or more new jobs during tax year.
- [SB 600](#) Adds requirement that communities be within same region that is used to determine required minimum wage to be considered comparable communities.

- [SB 601](#) Limits percentage of general purpose grants that school districts and education service districts may expend on administrative expenses.
- [SB 796](#) Makes period of absence for donation of body part, organ or tissue "serious health condition" for which family leave may be taken.
- [HB 2037](#) Allows Public Employees' Benefit Board and Oregon Educators Benefit Board to make available long term care insurance plans at boards' discretion rather than as statutory requirement.
- [HB 2039](#) Transfers to Public Employees' Benefit Board and Oregon Educators Benefit Board duty to conduct audit to determine health benefit plan enrollees' continued eligibility for coverage as spouses or dependents.
- [HB 2041](#) Adds parole and probation officers to definition of "police officer" for purposes of life insurance benefits for police officers and firefighters.
- [HB 2311](#) Creates income tax credit for taxpayer that employs community college student as apprentice. Tax credit is lesser of \$2,000 or 10 percent of wages paid to apprentice in tax year.
- [HB 2732](#) Creates income tax credit for employing up to three students enrolled in at least four credit hours in institution of higher education. The credit allowed shall be equal to \$2 per hour worked by the student during the tax year, not to exceed 1,300 hours. The taxpayer may claim the credit for up to three students.
- [SB 455](#) Requires public universities, community colleges and community college districts to require contractors to employ apprentices and to establish and execute plan for outreach, recruitment and retention of women and minority individuals for certain work relating to improvements to real property.
- [HB 2526](#) Includes class size as mandatory subject of school district collective bargaining.
- [HB 2580](#) Amends definition of "employment relations" to include class size and caseload limits as mandatory collective bargaining subjects for school districts.
- [HB 2534](#) Excludes certain police officers from meaning of supervisory employee for purposes of public employment.
- [HB 2548](#) Directs Occupational Safety and Health Division of Department of Consumer and Business Services to study potential safety benefits of screening replacement workers during labor dispute with employer that employs more than 100 employees in industry involving hazardous materials.
- [HB 2554](#) Grants Governor authority to declare economic emergency. Authorizes state agencies to reclassify managerial employees to at-will employment status and to adjust staffing levels of managerial employees.
- [HB 2567](#) Requires Employment Relations Board to conduct study relating to public employers subject to public employee collective bargaining act and submit report of board's findings to interim committees of Legislative Assembly no later than September 15, 2021.

- [HB 2645](#) Establishes Task Force on Impacts of Mandatory Overtime on Corrections Staff.
- [HB 2660](#) Removes prohibition on payment of unemployment insurance benefits to nonprofessional employees of educational institution providing facilities or janitorial services for weeks of unemployment commencing during period between two successive academic years or terms.
- [HB 2686](#) Creates exemption to requirement that wages due to employee who is participant in Oregon Youth Employment Program must be paid immediately after termination of employment.
- [HB 2775](#) Prohibits union security agreements between public employer and union. Permits public employees not to join union or pay dues. Exempts union from duty to represent employees who don't pay dues.
- [HB 2643](#) Provides that membership in public sector labor organization is voluntary. Imposes payroll assessment on employer to be paid to ERB for distribution to exclusive bargaining representative.
- [HB 2726](#) Permits employees who are not union members to voluntarily consent to make in-lieu-of-dues payment to labor organization for organization's representation of nonmember employees to resolve grievances and disputes in employment relations with public employer.
- [HB 2276](#) Removes authority of public employer and labor organization to enter into fair-share agreement.
- [HB 2784](#) Establishes certain requirements for employer who hires homeless day laborer to perform work for employer. Allows employer to qualify for subtraction from federal taxable income and to apply for exemption from federal payroll tax requirements. Exempts homeless day laborers from number of employees employed by employer for purposes of ORS 653.601-.661 (paid sick leave) and ORS 659A.150-.186 (OFLA leave). Wages paid are exempt from state income taxes.
- [HB 2807](#) Requires approval of certain collective bargaining and arbitration agreements – those that increase total compensation greater than the prior year COLA - by Legislative Assembly.
- [HB 2818](#) Clarifies meaning of "because of age" in employment discrimination law to include length of service with employer, higher cost factors relating to pension or insurance benefits, and retirement/pension status. Makes it an unlawful employment practice to include certain words or phrases in job postings that suggest age preferences, such as "college age" and "digital native."
- [HB 2822](#) Permits State Accident Insurance Fund Corporation to evaluate risk corporation has insured for employers during past three years and reduce premium corporation charges employer to reflect reductions or mitigations in risk that result from agreement between employer and corporation.



- [HB 2830](#) Prohibits Secretary of State from imposing civil penalty on person who violates prohibitions on political activities by public employees if person's actions were sanctioned by relevant legal counsel.
- [SB 121](#) Directs Bureau of Labor and Industries to conduct study and make recommendations regarding implementing paid family and medical leave program and to report results, including recommendations, to interim committees of Legislative Assembly related to business and labor on or before February 1, 2021.
- [SB 122](#) Directs Bureau of Labor and Industries to conduct study of issues related to predictability in employee work schedules in Oregon and to report results to interim committee of Legislative Assembly related to business and labor on or before February 1, 2021.
- [SB 123](#) Extends application of provision prohibiting salary history inquiries to include employment agencies.
- [SB 156](#) Revises definitions of terms "school employee," "sexual conduct" and "student" for purposes of certain laws related to abuse and sexual conduct by school employees.
- [SB 164](#) Makes employer's failure to comply with requirements of Oregon Retirement Savings Plan unlawful practice.
- [SB 165](#) Directs employer, on annual tax withholding return submitted to Department of Revenue, to indicate whether employer offers qualified retirement savings plan that would allow exemption from participation in Oregon Retirement Savings Plan.
- [SB 166](#) Authorizes Oregon Retirement Savings Board to enter into agreements with other states to provide services related to retirement savings plans.
- [SB 195](#) Prescribes amount of expenses for which tax credit for employment-related dependent care expenses may be claimed by removing limitations based on earned income of individual spouse, in case of joint tax filers.
- [SB 196](#) Extends sunset for tax credit for payments to employee and dependent scholarship programs.
- [SB 679](#) For purposes of unemployment insurance law, modifies exclusion from definition of "employment" for individuals making sales of consumer goods or services in home or otherwise than in a permanent retail establishment.
- [HB 2024](#) Directs Early Learning Division to establish program to improve access to high quality infant and toddler care for families that are eligible to receive employment-related child care subsidy.
- [HB 2032](#) Specifies benefits that may be provided by Department of Human Services to low-income families after families, because of earnings or increases in hours of work, lose eligibility for temporary assistance for needy families (TANF).

- [HB 2036](#) Removes members of collective bargaining unit that represents police officers or firefighters from list of individuals who are ineligible to participate in benefit plans offered by Public Employees' Benefit Board.
- [HB 2053](#) Modifies provisions related to employment and employee compensation for Oregon Business Retention and Expansion Program, enterprise zones, long term incentives for rural enterprise zones and business development income tax exemption.
- [HB 2055](#) Establishes Workforce Housing Accelerator Program within Housing and Community Services Department.
- [HB 2133](#) Extends sunset for tax credit for pension income.
- [HB 2180](#) Creates Task Force on Maritime Sector Workforce Development.
- [HB 2223](#) Prohibits assessment of penalty wage as remedy for allegation of certain wage and hour violations if employer did not remedy violation prior to employee's separation from employment. The exceptions are for improper deductions (ORS 652.610); violation of maximum work hours (ORS 652.020); failure to maintain regular payday (ORS 652.120); and minimum wage/overtime/rest & meal break violations (ORS 653.055).
- [HB 2231](#) Provides right to collectively bargain with State of Oregon to interpreters who receive compensation paid by state for providing interpretation services.
- [HB 2274](#) Shortens length of time until unpaid wages become abandoned to one year.
- [HB 2296](#) Allows employer to pay 85 percent of minimum wage to agricultural employee under 21 years of age for initial 90 days of employment.
- [HB 2313](#) Requires employers who are authorized to pay subminimum wages to individuals with disabilities to pay certain wage rates until June 30, 2023.
- [HB 2341](#) Makes unlawful employment practice for employer to deny reasonable accommodation to known limitations related to pregnancy, childbirth or related medical condition or to take certain actions related to reasonable accommodations to known limitations related to pregnancy, childbirth or related medical condition. [public hearing held]
- [HB 2346](#) Establishes Task Force on Employment-Related Child Care to conduct study on improving access to and availability of subsidies for employment-related child care, to make recommendations for improving communications between Early Learning Division and child care providers, to make recommendations for improving policy coordination between Early Learning Division and Department of Human Services self-sufficiency programs and to develop plan to expand access to employment-related child care opportunities.
- [HB 2398](#) Specifies that compensation paid to employees of charitable gaming events is based on Oregon minimum wage standards.



- [HB 2406](#) Clarifies scope of workers' compensation coverage for trainees who participate in certain work experience programs or school directed professional education projects.
- [HB 2407](#) Reduces number of districts within which public works project may be performed for purposes of applying prevailing rate of wage from 14 to five.
- [HB 2408](#) Defines "funds of a public agency," for purposes of applying prevailing rate of wage to projects for public works, to include tax credits or tax abatements that contractor engaged in public works project receives from state in connection with project.
- [HB 2409](#) Provides that prevailing rate of wage for trade or occupation in locality is rate of wage set forth in collective bargaining agreement for trade or occupation in locality or, if more than one collective bargaining agreement covers trade or occupation in locality, average of rate of wage set forth in collective bargaining agreements for trade or occupation in locality.
- [HB 2410](#) Requires contractors and subcontractors that employ workers on a public works project to directly incur costs of providing fringe benefits or contribute to trustee or third person under plan, fund or program that provides fringe benefits.
- [HB 2414](#) Adds to definition of "public works" project to build or repair ship that public agency owns or for which using funds of public agency serves public interest, maintenance of building that public agency owns or occupies and fabricating or manufacturing custom item under contract and specifically for use in public works.
- [HB 2443](#) Raises threshold at which prevailing rate of wage applies to projects for public works by amount Commissioner of Bureau of Labor and Industries specifies by rule.
- [SB 305](#) Changes minimum contract price at which prevailing rate of wage applies to public works projects from \$50,000 to amount that Oregon Department of Administrative Services determines by rule.
- [HB 2418](#) Specifies certain presumptions as to cause of death, disability or impairment of health of fire service professional, public safety personnel or employee of public or private safety agency with duties related to firefighting, police, ambulance or emergency medical services in claim for benefits related to occupational disease under workers' compensation law.
- [HB 2413](#) Provides that injured worker is eligible for vocational assistance unless average weekly wage exceeds 95 percent of weekly wage paid for employment in which worker was engaged at time of injury.
- [HB 2422](#) Clarifies that provision allowing Commissioner of the Bureau of Labor and Industries to impose civil penalties includes imposition of penalties for violation of certain requirements for labor contractors.
- [HB 2483](#) Delays date when civil action may be brought alleging violation of ORS 652.220 – Oregon's Equal Pay Law - to January 1, 2024.
- [HB 2489](#) Establishes conditions of enforceability for certain employment contracts or agreements. Must be reduced to writing, must be given two-weeks advance notice of

required agreement, duration of agreement cannot exceed two years, and terms do not diminish any legal rights, privileges or remedies.

- [HB 2490](#) Directs Commissioner of Bureau of Labor and Industries to appoint long term care wage board to examine factors that may present challenges to recruiting and retaining long term care employees.
- [HB 2498](#) Adds to test to determine whether person is independent contractor requirement that person not perform services that are within usual course of business of person that hired purported independent contractor.
- [SB 669](#) Modifies requirements for licensing of in-home care agencies.
- [HB 2992](#) Establishes as condition of enforceability of noncompetition agreement that employer provide signed, written copy of terms of agreement to employee within seven days after termination of employee's employment.
- [SB 726](#) Makes unlawful employment practice for employer to request employee to enter agreement that would prevent employee from disclosing or discussing conduct that constitutes unlawful discrimination, including sexual assault.
- [SB 750](#) Establishes procedure for aggrieved person, whistleblower or representative organization to bring action in name of state to recover civil penalties for violations of certain laws related to labor and employment.
- [SB 764](#) Amends definition of "employment relations" to include class size and caseload limits as mandatory collective bargaining subjects for school districts.
- [SB 823](#) Makes it unlawful employment practice for health care employer to retaliate against employee who makes good faith report of assault that occurred on premises of health care provider or in home of patient receiving home health care services.
- [SB 83](#) Expands prohibition against requiring employee to pay cost of medical examination as condition of employment to include consideration for employment.
- [SB 84](#) Broadens standard under which employment discrimination based on family members may be proved.
- [HB 2016](#) Requires public employer to grant reasonable paid time to public employee who is designated representative to engage in certain activities.
- [HB 2589](#) Clarifies that sexual orientation and transgender status are not considered physical or mental impairments.
- [HB 3031](#) Creates family and medical leave insurance program to provide employee who is eligible for coverage with portion of wages while employee is on family and medical leave or military family leave.
- [HB 3147](#) Directs Bureau of Labor and Industries to conduct study regarding noncompetition agreements in employment contracts and to report results to interim

committees of Legislative Assembly related to business and labor on or before February 1, 2021.

- **HB 3187** Makes unlawful employment practice for employer to refuse to provide to requesting state agency employment verification and any other information that is necessary to determine individual's eligibility to receive public assistance provided by agency.
- **HB 3217** Makes contractor liable for unpaid wages, including other benefit payment or contribution, of employee of subcontractor at any tier.