



## 2017 Oregon Legislative Session

The 2017 Oregon legislative session is in full swing. Below are links and brief summaries of bills affecting Oregon employers and employees. Please feel free to direct any questions to our [Labor and Employment attorneys](#), Andrew Lewis and Amanda Walkup.

| Linked Bill            | Summary  | Status  |
|------------------------|--|---|
| <a href="#">SB 2</a>   | This bill renames the offense of operating a motor vehicle while using a mobile communication device as an offense of operating a motor vehicle while using a mobile electronic device.  | Senate recommended passage with amendments. Referred to Ways and Means on April 19, 2017.           |
| <a href="#">SB 279</a> | This bill requires that a notice of nonpayment of wages or compensation to an employer include a statement that payment of unpaid wages or compensation to the employee within 12 days limits the penalty to 100 percent of unpaid wages or compensation owed to the employee. | Passed in Senate with amendments. Referred to House Business and Labor Committee on April 20, 2017. |

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|-------------------------------|--|---|
| <a href="#"><u>SB 301</u></a> | This bill provides that conditioning employment on refraining from using any substance that is lawful to use in Oregon is an unlawful employment practice.   | Referred to Judiciary. Work Session held April 18, 2017. Committee recommended passage. Referred to Business and Transportation by order of the President. Lacks support in the Senate to bring bill up for a vote. |
| <a href="#"><u>SB 329</u></a> | This bill extends state preemption of local governmental authority to regulate work schedule requirements.   | Workforce referred to Rules, without recommendation as to passage, on April 20, 2017.   |
| <a href="#"><u>SB 664</u></a> | This bill prohibits an agency from imposing a civil penalty on a small business for the first violation of a paperwork requirement if the violation does not pose an unreasonable risk of harm to employees of the small business or general public. | Passed in the Senate with amendments. Referred to House Business and Labor Committee on April 24, 2017.   |
| <a href="#"><u>SB 828</u></a> | This bill requires an employer to pay an employee the equivalent of at least four hours of work if the employee is scheduled or called in to work but, due to the employer, does not work an entire shift.   | Senate recommended passage with amendments. Referred to Rules on April 20, 2017.  |

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| <a href="#"><u>SB 901</u></a>  | This bill specifies that an amateur Olympic athlete is not an employee for the purpose of certain employment-related provisions.  | Passed in the Senate with amendments. Referred to House Business Committee. Public Hearing held May 3, 2017.                          |
| <a href="#"><u>SB 949</u></a>  | This bill makes a noncompetition agreement with a home care worker voidable by the home care worker.  | Passed in the Senate with amendments. House Human Services and Housing Committee recommended passage. Second reading on May 11, 2017. |
| <a href="#"><u>SB 984</u></a>  | This bill requires an employer in an industry with requirement to pay overtime after a certain number of hours worked by an employee in one day to calculate the applicable overtime pay for the employee on a daily and weekly basis and pay the greater of the two amounts. | Passed in the Senate with amendments. Referred to House Business and Labor Committee on April 28, 2017.                               |
| <a href="#"><u>SB 1040</u></a> | This bill ensures that private sector labor organizations and employers throughout Oregon may enter into union security agreements to the full extent allowed by federal law.   | Passed in the Senate. Referred to House Business and Labor Committee. Public Hearing and Work Session held May 10, 2017.              |

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|--------------------------------|---|--|
| <a href="#"><u>HB 2005</u></a> | This bill provides definitions relating to comparable work for purposes of pay equity provisions.   | Passed in the House with amendments. Public Hearing held April 26, 2017. Work Session held May 10, 2017.                       |
| <a href="#"><u>HB 2169</u></a> | This bill limits certain attorney fee awards to an employee who prevails on a claim against an employer in wage and hour and employment cases.  | Referred to Business and Labor. Work Session held April 10, 2017.  |
| <a href="#"><u>HB 2193</u></a> | This bill requires an employer to pay an employee the equivalent of at least four hours of work if the employee is scheduled or called in to work but, due to the employer, does not work an entire shift. This bill also requires large employers in the retail, hospitality and food industries to take certain steps regarding employees' schedules or face a penalty. | Referred to Business and Labor. Referred to Rules with amendments, and without recommendation as to passage on April 21, 2017. |
| <a href="#"><u>HB 2387</u></a> | This bill requires a pharmaceutical manufacturer to reimburse payers for the cost of a prescription drug that exceeds a specified threshold.  | Health Care referred to Ways and Means, with recommendation of passage with amendments, on April 27, 2017.                     |

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| <a href="#"><u>HB 2567</u></a> | This bill requires employers with 75 or more employees to provide 60 days' notice to employees and certain officials before ceasing operations, relocating or ordering a mass layoff involving 50 or more employees. | Passed in the House with amendments. Referred to Senate Workforce Committee on April 27, 2017. Public Hearing scheduled for May 15, 2017. |
| <a href="#"><u>HB 2951</u></a> | This bill requires the addition, in determination of Oregon taxable income, of a deduction as a business expense of compensation paid by the taxpayer to a highly paid individual.                                   | Referred to Revenue. Public Hearing held April 13, 2017.  |
| <a href="#"><u>HB 3008</u></a> | This bill prohibits an employer from requiring an employee to create, file or sign documents containing false information related to the hours worked or compensation received by the employee.                      | Passed in the House, with amendments. Referred to Senate Workforce Committee. Public Hearing held May 3, 2017.                            |
| <a href="#"><u>HB 3087</u></a> | This bill creates a family and medical leave insurance program to provide a covered employee with a portion of wages while on family medical leave or military leave.  | Without recommendation as to passage, and with amendments, referred to Revenue by prior reference on April 24, 2017.                      |

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| Linked Bill                    | Summary   | Status                              |
|--------------------------------|---|-------------------------------------|
| <a href="#"><u>HB 3310</u></a> | This bill confirms that a discrimination claim may address a disparate impact discrimination, or action that is fair in form but discriminatory in operation. | Referred to Rules on March 7, 2017. |

### Bills Affecting Tax Credits

| Linked Bill                   | Summary   | Status  |
|-------------------------------|---|---|
| <a href="#"><u>SB 290</u></a> | This bill creates a tax credit for employers that pay wages to youth workers, defined as workers between 16 and 25 years of age.  | Referred to Workforce, then Tax Credits.  |
| <a href="#"><u>SB 398</u></a> | This bill requires a pay stub summary to include a notice of potential availability of earned income tax credit to an employee.   | Passed in the Senate with amendments. Referred to House Business and Labor Committee. Public hearing held on May 1, 2017. |
| <a href="#"><u>SB 400</u></a> | This bill creates an income tax credit for certain employers that provide paid family leave to employees, including paid sick time taken to care for family members of employees. | Referred to Workforce, then Tax Credits.  |
| <a href="#"><u>SB 406</u></a> | This bill creates an income tax credit for certain employers to defray costs of an increase in minimum wage.  | Referred to Workforce, then Tax Credits.  |

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| Linked Bill                    | Summary   | Status  |
|--------------------------------|---|---|
| <a href="#"><u>SB 460</u></a>  | This bill creates a tax credit for employers that pay wages to youth workers, defined as workers between 16 and 25 years of age                                   | Referred to Workforce, then Tax Credits.  |
| <a href="#"><u>SB 543</u></a>  | This bill creates an income tax credit for certain employers that provide paid family leave, with restrictions.   | Referred to Workforce, then Tax Credits.  |
| <a href="#"><u>SB 598</u></a>  | This bill creates a credit against income tax for taxpayers with not more than 100 employees that create 10 or more new jobs during a tax year.                   | Referred to Workforce, then Tax Credits.  |
| <a href="#"><u>SB 613</u></a>  | This bill creates an income tax credit for taxpayers that expand the workforce with positions that pay an above average wage by 10 percent or more in a tax year. | Referred to Workforce, then Tax Credits.  |
| <a href="#"><u>HB 2375</u></a> | This bill creates an income tax credit for employers that pay employees wages greater than the minimum wage.  | Referred to Revenue.  |
| <a href="#"><u>HB 2787</u></a> | This bill creates a tax credit for employers that pay wages to youth workers, defined as workers between 16 and 25 years of age.                                  | Referred to Higher Education and Workforce Development with subsequent referral to Tax Credits. |
| <a href="#"><u>HB 2841</u></a> | This bill creates an income tax credit for certain employers that are required to provide paid sick leave.  | Referred to Revenue.  |

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| Linked Bill                    | Summary  | Status  |
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| <a href="#"><u>HB 2850</u></a> | This bill creates an income tax credit for employing up to three youth workers.  | Referred Business and Labor with subsequent referral to Revenue.  |
| <a href="#"><u>HB 2887</u></a> | This bill allows a credit against income taxes for employment of qualified military veterans.  | Referred to Veterans and Emergency Preparedness, with subsequent referral to Revenue. Public Hearing and Work Session held April 11, 2017. Revenue recommended passage with amendments. Referred to Revenue by prior reference on April 14, 2017. |
| <a href="#"><u>HB 3383</u></a> | This bill establishes a refundable tax credit against income or corporate excise taxes for employers in specified industrial sectors for wages paid to employees at or below a specified rate. | Referred to Business and Labor, with subsequent referral to Revenue. Work Session held April 10, 2017. Without recommendation as to passage, referred to Revenue by prior reference on April 13, 2017.  |

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## DEAD BILLS

The following bills did not schedule work sessions by the April 7, 2017 deadline.

| Linked Bill                   | Summary   | Status   |
|-------------------------------|---|--|
| <a href="#"><u>SB 240</u></a> | This bill requires an employer of an individual with a disability to pay a rate of no less than the state minimum wage, beginning on January 1, 2022.   | Referred to Human Services.                                |
| <a href="#"><u>SB 292</u></a> | This bill creates an unlawful employment practice and a violation of the Oregon Safe Employment Act for creating or maintaining an abusive work environment.  | Referred to Judiciary. Public Hearing held March 13, 2017. |
| <a href="#"><u>SB 403</u></a> | This bill limits the availability of paid and unpaid sick leave to an employee who uses leave because of domestic violence, harassment, sexual assault, stalking or harm as a result of certain felonies. | Referred to Workforce.                                     |
| <a href="#"><u>SB 404</u></a> | This bill removes provisions providing for the automatic enrollment of employees in the Oregon Retirement Savings Plan.   | Referred to Business and Transportation.                   |
| <a href="#"><u>SB 405</u></a> | This bill repeals provisions establishing the Oregon Retirement Savings Plan.   | Referred to Business and Transportation.                   |
| <a href="#"><u>SB 407</u></a> | This bill limits the application of a tiered minimum wage rate to an employer that employs more than 50 employees.  | Referred to Workforce.                                     |

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| Linked Bill                   | Summary  | Status                 |
|-------------------------------|--|------------------------|
| <a href="#"><u>SB 408</u></a> | This bill freezes the minimum wage rate for agricultural workers at the July 1, 2016 rate, adjusted annually for inflation.  | Referred to Workforce. |
| <a href="#"><u>SB 409</u></a> | This bill repeals the Oregon minimum wage increases that have not yet become operative.  | Referred to Workforce. |
| <a href="#"><u>SB 410</u></a> | This bill allows a local government to opt out of the minimum wage increases in effect after July 1, 2016, with an annual adjustment based on the consumer price index.  | Referred to Workforce. |
| <a href="#"><u>SB 411</u></a> | This bill allows certain local governments, charter schools, school districts and education service districts to freeze the minimum wage at the rate in effect on July 1, 2016, and to opt out of future increases, with an annual adjustment based on the consumer price index.                       | Referred to Workforce. |
| <a href="#"><u>SB 412</u></a> | This bill allows local governments, charter schools, school districts and education service districts located in Idaho border counties to freeze the minimum wage at the rate in effect on July 1, 2016, and opt out of future increases, with an annual adjustment based on the consumer price index. | Referred to Workforce. |
| <a href="#"><u>SB 448</u></a> | This bill establishes a lower minimum wage for high school students participating in a vocational training program.  | Referred to Workforce. |

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| <a href="#"><u>SB 453</u></a> | This bill exempts from sick leave certain agricultural employers that experience lower than average commodity values.   | Referred to Workforce.  |
| <a href="#"><u>SB 455</u></a> | This bill freezes the minimum wage rate for certain agricultural employers that experience lower than average commodity values.   | Referred to Workforce.  |
| <a href="#"><u>SB 471</u></a> | This bill requires an employer that employs 20 or more employees to grant an unpaid leave of absence to an employee who is called into service to perform duties related to service as a volunteer firefighter, reserve peace officer or civil air patrol member. | Referred to Workforce.<br>Public Hearing held March 1, 2017.                    |
| <a href="#"><u>SB 544</u></a> | This bill establishes a state preemption of authority to require a mandatory provision of employment benefits to employees of private employers.  | Referred to Workforce.  |
| <a href="#"><u>SB 556</u></a> | This bill creates offense of driving with dog in driver's lap.  | Referred to Judiciary, then Ways and Means. Public Hearing held March 20, 2017. |
| <a href="#"><u>SB 569</u></a> | This bill exempts an employee under 19 years of age from Oregon's minimum wage.   | Referred to Workforce.  |
| <a href="#"><u>SB 606</u></a> | This bill allows paid sick leave to be counted as a fringe benefit for the purpose of the prevailing rate of wage.  | Referred to Workforce.  |

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| <a href="#"><u>SB 607</u></a> | This bill excludes sick leave pay from the definition of "payroll" for the purpose of workers' compensation calculations.  | Referred to Workforce.  |
| <a href="#"><u>SB 777</u></a> | This bill removes certain discretion from the court to require an employee to pay an employer's attorney fees if the employee pursues an action for unpaid wages against the employer but does not prevail.  | Referred to Workforce.  |
| <a href="#"><u>SB 779</u></a> | This bill provides that a person may not dispose of material or media that displays a Social Security number unless the person, before disposing of the material or media, makes the Social Security number unreadable or prevents the reconstruction of the Social Security number. | Referred to Workforce.<br>Public Hearing held March 8, 2017.    |
| <a href="#"><u>SB 848</u></a> | This bill specifies that it is an unlawful employment practice for an employer to require, as a condition of employment, that an employee or prospective employee obtain or receive a vaccination.   | Referred to Workforce.  |
| <a href="#"><u>SB 914</u></a> | This bill establishes that decisions related to immunizations are personal health care decisions and that immunizations may not be mandated as a condition of employment unless as required by federal law.  | Referred to Health Care.<br>Public Hearing held March 28, 2017. |

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| <a href="#"><u>SB 972</u></a> | This bill allows an employer to pay accrued sick leave to an employee who is employed on a fixed-rate, piece-rate or commission basis at an employee's fixed hourly rate.  | Referred to Workforce.                                       |
| <a href="#"><u>SB 977</u></a> | This bill voids noncompetition agreements except to the extent that a former employee may not contact a former customer or client to provide a similar product, process or service for six months after the employee's date of separation.   | Referred to Judiciary. Public Hearing held April 12, 2017.   |
| <a href="#"><u>SB 997</u></a> | This bill establishes a penalty to be imposed by the Department of Consumer and Business Services on employers that offer health insurance coverage to employees but that have employees working at least 20 hours per week who receive health care coverage through a medical assistance program.   | Referred to Health Care. Public Hearing held March 30, 2017. |
| <a href="#"><u>SB 999</u></a> | This bill limits remedies and penalties for certain wage and hour violations. The bill prohibits an employee who claims that an employer failed to pay certain wages during employment from seeking an additional remedy for failure to pay unpaid wages at the time of the employee's separation from employment for the same or a substantially similar alleged violation. | Referred to Workforce. Public Hearing held April 12, 2107.   |

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| <a href="#"><u>HB 2163</u></a> | This bill permits an employer to make a deduction from an employee's wages for a contribution to an individual account for an employee's benefit in a plan maintained under section 125, 401(k), 403(b), 408, 408A or 457 of the Internal Revenue Code if the employee is given certain notices and a right to cancel or change the contribution. | Referred to Business and Labor. Public Hearing held March 1, 2017.     |
| <a href="#"><u>HB 2167</u></a> | This bill creates an unlawful employment practice and a violation of the Oregon Safe Employment Act for creating or maintaining an abusive work environment.  | Referred to Business and Labor. Public Hearing held February 13, 2017. |
| <a href="#"><u>HB 2168</u></a> | This bill requires a municipality or business employing a person to perform a state building code specialty code inspection to provide the equipment required for the performance of the inspection.  | Referred to Business and Labor. Public Hearing held February 20, 2017. |
| <a href="#"><u>HB 2180</u></a> | This bill establishes a right of an employee for a civil action based on unpaid wages.  | Referred to Business and Labor. Public Hearing held February 13, 2017. |
| <a href="#"><u>HB 2181</u></a> | This bill creates a rebuttable presumption against an employer if the employer takes certain adverse actions against an employee within 90 days of the employee's protected, wage-related activity.   | Referred to Business and Labor. Public Hearing held February 13, 2017. |

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| <a href="#"><u>HB 2188</u></a> | This bill permits an employee of a contracting agency that conducts cost analysis or determines feasibility of procurement, or an exclusive representative of an employee's bargaining unit, to seek judicial review of cost analysis or determination.   | Referred to Business and Labor. |
| <a href="#"><u>HB 2378</u></a> | This bill allows an employer to pay 85 percent of the Oregon minimum wage to an employee under 21 years of age for their initial 90 days of employment.   | Referred to Business and Labor. |
| <a href="#"><u>HB 2476</u></a> | This bill excludes from unfair labor practices an employer's practice of establishing wages, benefits or other employment terms for a member of a labor organization that are different from the wages, benefits or other employment terms for an employee who is not a member of the labor organization. | Referred to Business and Labor. |
| <a href="#"><u>HB 2762</u></a> | This bill provides that an employer must provide an injured worker, within 48 hours after an injury, with a form that the Director of Department of Consumer and Business Services develops.  | Referred to Business and Labor. |
| <a href="#"><u>HB 2781</u></a> | This bill directs the Bureau of Labor and Industries to study the issue of wage theft.  | Referred to Business and Labor. |

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| <a href="#"><u>HB 2783</u></a> | This bill authorizes the Commissioner of the Bureau of Labor and Industries to require an employer that is able to pay but has not paid wages to provide a bond for a period of time as determined by the Commissioner or cease conducting business until the employer has provided a bond.   | Referred to Business and Labor. |
| <a href="#"><u>HB 2860</u></a> | This bill restricts the number of personnel files concerning faculty members that community colleges may maintain.  | Referred to Business and Labor. |
| <a href="#"><u>HB 2926</u></a> | This bill requires drug testing for the unlawful use of controlled substances of an individual making an initial application for unemployment insurance benefits if the individual was terminated by their most recent employer for the unlawful use of controlled substances or if suitable work is available for the individual only in an occupation that regularly conducts drug testing. | Referred to Business and Labor. |
| <a href="#"><u>HB 2936</u></a> | This bill specifies that, for the purpose of sick leave employee-count threshold, an employee and parent, spouse or child of an employee may not be counted if the employee or parent, spouse or child of the employee is a director of a corporation with a substantial ownership interest, a member of a limited liability company or a partner of a limited liability partnership.         | Referred to Business and Labor. |

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|--------------------------------|---|---------------------------------|
| <a href="#"><u>HB 2966</u></a> | This bill excludes certain Portland employers from sick leave requirements if the employer is located in Portland on a temporary or seasonal basis and has a permanent location outside the city.   | Referred to Business and Labor. |
| <a href="#"><u>HB 3028</u></a> | This bill authorizes an employee of an employer that employs more than 1.3 million employees nationwide to request a flexible or predictable work schedule.   | Referred to Business and Labor. |
| <a href="#"><u>HB 3054</u></a> | This bill establishes a minimum wage for a tipped employee of not less than \$10 per hour if the employee earns in tips at least \$5 per hour more than the minimum wage otherwise required by law. | Referred to Business and Labor. |
| <a href="#"><u>HB 3233</u></a> | This bill allows an employer to pay accrued sick leave to an employee who is employed on a fixed-rate, piece-rate or commission basis at the employee's fixed hourly rate.                          | Referred to Business and Labor. |
| <a href="#"><u>HB 3309</u></a> | This bill extends the time limitation to bring certain pay equity claims by making each subsequent payroll action that is based on the underlying pay equity violation actionable.                  | Referred to Business and Labor. |

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| <a href="#"><u>HB 3317</u></a> | This bill repeals the nonurban county minimum wage tier and replaces it with an urban minimum wage tier for certain cities, increasing incrementally on an annual basis through 2023.   | Referred to Business and Labor.  |
| <a href="#"><u>HB 3324</u></a> | This bill requires the Director of the Department of Consumer and Business Services to provide an incentive to small employers to participate in consultative services, to provide maximum allowable protection from fines and penalties to small employers that participate in consultative services and to promote consultative services to the small business community. | Referred to Business and Labor.  |
| <a href="#"><u>HB 3336</u></a> | This bill permits an individual to create a family medical leave savings account with a financial institution to pay or reimburse a qualified beneficiary's wage loss during a family medical leave of absence from work.   | Referred to Early Childhood and Family Supports.<br>Public Hearing held April 4, 2017. |

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