

House Bill 4145

Sponsored by Representative J SMITH, Senator ROSENBAUM; Representatives BARNHART, BREWER, DEMBROW, GELSER, KENY-GUYER, KOMP, MATTHEWS, SCHAUFLEER, WEIDNER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits publication of advertisement for job vacancy that limits applicants to persons who are not currently unemployed. Imposes civil penalty for violation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to employment; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2012 Act is added to and made a part of ORS chapter 659A.**

5 **SECTION 2. (1) Except as permitted under ORS chapter 240 or any other provision of law,**
6 **an employer, the employer's agent, representative or designee or an employment agency may**
7 **not knowingly or purposefully publish in print or on the Internet an advertisement for a job**
8 **vacancy in this state that provides that:**

9 (a) **The qualifications for a job include current employment;**

10 (b) **The employer, the employer's agent, representative or designee or the employment**
11 **agency will not consider or review an application for employment submitted by a job appli-**
12 **cant who is currently unemployed; or**

13 (c) **The employer, the employer's agent, representative or designee or the employment**
14 **agency will only consider or review applications for employment submitted by job applicants**
15 **who are currently employed.**

16 (2) **Violation of this section is an unlawful practice.**

17 (3) **Nothing in this section shall be construed to:**

18 (a) **Prohibit an employer, the employer's agent, representative or designee or an em-**
19 **ployment agency from publishing in print or on the Internet an advertisement for a job va-**
20 **cancy in this state that contains a provision:**

21 (A) **Setting forth qualifications for a job vacancy, including but not limited to:**

22 (i) **Holding a current and valid professional or occupational license, certificate, registra-**
23 **tion, permit or other credential; or**

24 (ii) **A minimum level of education or training, or professional, occupational or field ex-**
25 **perience; or**

26 (B) **Stating that only applicants who are current employees of the employer will be con-**
27 **sidered for the position.**

28 (b) **Create or authorize a private cause of action by an aggrieved person against an em-**
29 **ployer, the employer's agent, representative or designee or an employment agency that is**
30 **alleged to violate or has violated this section.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4) An employer or employment agency that is found to have violated subsection (1) of**
2 **this section by the Commissioner of the Bureau of Labor and Industries shall be assessed a**
3 **civil penalty as provided under ORS 659A.855.**

4 **SECTION 3. This 2012 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
6 **on its passage.**

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