Enrolled
Senate Bill 1548

Sponsored by Senators ROSENBAUM, BOQUIST, COURTNEY, Representative J SMITH; Senators DINGFELDER, EDWARDS, MONNES ANDERSON, STEINER HAYWARD, WINTERS, Representatives BARKER, BARNHART, BERGER, BEYER, BOONE, BREWER, BUCKLEY, CLEM, CONGER, DEMBROW, DOHERTY, FREDERICK, GARRETT, GELSER, GREENLICK, HARKER, HOLVEY, HOYLE, HUNT, KENNEMER, KENY-GUYER, KOMP, KOTEK, MATTHEWS, NATHANSON, NOLAN, ROBLAN, SCHAUFLER, TOMEI, WAND, WEIDNER, WITT (Presession filed.)

CHAPTER .....

AN ACT

Relating to advertisements for job vacancies; and declaring an emergency.

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

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

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

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

(b) The employer, the employer's agent, representative or designee or the employment agency will not consider or review an application for employment submitted by a job applicant who is currently unemployed; or

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

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

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

(a) Prohibit an employer, the employer's agent, representative or designee or an employment agency from publishing in print or on the Internet an advertisement for a job vacancy in this state that contains a provision:

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

(i) Holding a current and valid professional or occupational license, certificate, registration, permit or other credential; or

(ii) A minimum level of education or training, or professional, occupational or field experience; or

(B) Stating that only applicants who are current employees of the employer will be considered for the position.

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

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

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

Passed by Senate February 15, 2012

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House February 27, 2012

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2012

Approved:

.....M.,....., 2012

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2012

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Kate Brown, Secretary of State