

**Enrolled**  
**House Bill 2254**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Commissioner of the Bureau of Labor and Industries Dan Gardner)

CHAPTER .....

AN ACT

Relating to personnel records; creating new provisions; and amending ORS 652.750 and 652.900.

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

**SECTION 1.** ORS 652.750 is amended to read:

652.750. (1) As used in this section:

(a) "Employer" has the meaning *[for that term provided]* **given that term** in ORS 656.005.

(b) "Personnel records" *[do]* **does** not include records of an individual relating to the conviction, arrest or investigation of conduct constituting a violation of the criminal laws of this state or another state or the United States, confidential reports from previous employers or records maintained in compliance with ORS 351.065.

(2) *[At]* **Within 45 days after receipt of** the request of an employee, the employer shall provide reasonable opportunity for the employee to inspect, at the place of employment or place of work assignment, *[those]* **the** personnel records of the employee *[which]* **that** are used or have been used to determine the employee's qualification for employment, promotion, additional compensation or employment termination or other disciplinary action. *[At]* **Within 45 days after receipt of** the request of the employee, the employer shall furnish a certified copy of *[such]* **the** records.

(3) Upon termination of employment, the employer shall keep the terminated employee's personnel records for not less than 60 days. *[At the request of the employee,]* **The terminated employee may request a certified copy of the records** within the 60-day period or at any time thereafter if the employer has *[retained]* the records at the time of the request*[,]*. **Within 45 days after receipt of the request,** the employer shall furnish a certified copy of *[such]* **the** records.

**(4) Notwithstanding the time periods described in subsections (2) and (3) of this section, if the employee's personnel records are not readily available, the employer and the employee may agree to extend the time within which the employer must provide the employee reasonable opportunity to inspect the records or furnish the employee a certified copy of the records.**

*[(4)]* (5) An employer may *[make only such]* charge **an employee** for the services referred to in subsections (2) and (3) of this section *[as]* **only an amount that** is reasonably calculated to recover the actual cost of providing the *[service]* **services.**

**SECTION 2.** ORS 652.900 is amended to read:

652.900. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau of Labor and Industries may assess a civil penalty not to exceed \$1,000 against any person who violates ORS 652.020, 652.140, *[or]* 652.145 **or 652.750** or any rule adopted *[pursuant thereto]* **under those statutes.**

- (2) Civil penalties under this section shall be imposed as provided in ORS 183.745.
- (3) All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses.

**SECTION 3. The amendments to ORS 652.750 and 652.900 by sections 1 and 2 of this 2007 Act apply to requests made on or after the effective date of this 2007 Act.**

**Passed by House March 7, 2007**

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 Chief Clerk of House

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 Speaker of House

**Passed by Senate May 17, 2007**

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 President of Senate

**Received by Governor:**

.....M,....., 2007

**Approved:**

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 Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

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 Secretary of State