

# 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)

## 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**.

Imposes timelines for providing copies or allowing inspection of personnel records. Allows employer and employee to agree to extension of time. Imposes civil penalty of up to \$1,000 for violation.

## A BILL FOR AN ACT

1  
2 Relating to personnel records; creating new provisions; and amending ORS 652.750 and 652.900.

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

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

5 652.750. (1) As used in this section:

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

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

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

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

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

27 *[(4)]* (5) An employer may *[make only such]* charge **an employee** for the services referred to in  
28 subsections (2) and (3) of this section *[as]* **only an amount that** is reasonably calculated to recover  
29 the actual cost of providing the *[service]* **services.**

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

31 652.900. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau

**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 of Labor and Industries may assess a civil penalty not to exceed \$1,000 against any person who vi-  
2 olates ORS 652.020, 652.140, [or] 652.145 **or 652.750** or any rule adopted [*pursuant thereto*] **under**  
3 **those statutes.**

4 (2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

5 (3) All penalties recovered under this section shall be paid into the State Treasury and credited  
6 to the General Fund and are available for general governmental expenses.

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

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