

# House Bill 2429

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of former Representative Jeff Kropf)

## 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**.

Permits employer to deduct from employee's wages reimbursement for cost of employee's drug test when test result is positive for illegal use of controlled substance.

## A BILL FOR AN ACT

1  
2 Relating to deduction from wages to reimburse employer for cost of drug test given to employee;  
3 creating new provisions; and amending ORS 652.610.

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

5 **SECTION 1.** ORS 652.610 is amended to read:

6 652.610. (1) All persons, firms, partnerships, associations, cooperative associations, corporations,  
7 municipal corporations, the state and its political subdivisions, except the federal government and  
8 its agencies, employing, in this state, during any calendar month one or more persons, and [*with-*  
9 *holding*] **deducting** for any purpose, any sum of money from the wages, salary or commission earned  
10 by an employee, shall provide [*such*] **the** employee on regular paydays with a statement sufficiently  
11 itemized to show the amount and purpose of [*such*] **the** deductions made during the respective period  
12 of service [*which said*] **that the** payment covers.

13 (2) The **employer shall provide the** itemized statement [*shall be furnished*] to the employee at  
14 the time payment of wages, salary or commission is made[, *and*]. **The itemized statement** may be  
15 attached to or be a part of the check, draft, voucher or other instrument by which payment is  
16 made[,] or may be delivered separately from [*such*] **the** instrument.

17 (3) [*No*] **An** employer may **not** withhold, deduct or divert any portion of an employee's wages  
18 unless:

19 (a) The employer is required to do so by law;

20 (b) The deductions are authorized in writing by the employee, are for the employee's benefit, and  
21 are recorded in the employer's books;

22 (c) The employee has voluntarily signed an authorization for a deduction for any other item,  
23 provided that the ultimate recipient of the money [*withheld*] **deducted** is not the employer, and that  
24 [*such*] **the** deduction is recorded in the employer's books;

25 (d) The deduction is authorized by a collective bargaining agreement to which the employer is  
26 a party;

27 (e) The deduction is authorized under ORS 18.736; [*or*]

28 (f) The deduction is made from the payment of wages upon termination of employment and is  
29 authorized pursuant to a written agreement between the employee and employer for the repayment  
30 of a loan made to the employee by the employer, if all of the following conditions are met:

31 (A) The employee has voluntarily signed the agreement;

**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 (B) The loan was paid to the employee in cash or other medium permitted by ORS 652.110;

2 (C) The loan was made solely for the employee's benefit and was not used, either directly or  
3 indirectly, for any purpose required by the employer or connected with the employee's employment  
4 with the employer;

5 (D) The amount of the deduction at termination of employment does not exceed the amount  
6 permitted to be garnished under ORS 18.385; and

7 (E) The deduction is recorded in the employer's books[.]; **or**

8 **(g) The deduction reimburses the employer for the cost of a drug test given to the em-**  
9 **ployee and the drug test result is positive for illegal use of a controlled substance, as defined**  
10 **in ORS 475.005, by the employee.**

11 (4) *[Nothing in this section shall be construed as prohibiting the withholding]* **This section does**  
12 **not:**

13 **(a) Prohibit the deduction** of amounts authorized in writing by the employee to be contributed  
14 by the employee to charitable organizations, including contributions made pursuant to ORS 243.666  
15 and 663.110;

16 **(b)** *[nor shall this section]* Prohibit deductions by check-off dues to labor organizations or service  
17 fees, *[where such is]* **when the deductions are** not otherwise prohibited by law; **or**

18 **(c)** *[nor shall this section]* Diminish or enlarge the right of any person to assert and enforce a  
19 lawful setoff or counterclaim or to attach, take, reach or apply an employee's compensation on due  
20 legal process.

21 **SECTION 2. The amendments to ORS 652.610 by section 1 of this 2007 Act apply only to**  
22 **employees who are drug tested on or after the effective date of this 2007 Act.**

23