

House Bill 2674

Sponsored by Representative WITT; Representatives BARKER, BARNHART, BONAMICI, BUCKLEY, CANNON, CLEM, DALLUM, DINGFELDER, D EDWARDS, GALIZIO, GELSER, GREENLICK, HOLVEY, NATHANSON, READ, RILEY, ROBLAN, ROSENBAUM, SCHAUFLER, SHIELDS, TOMEI (at the request of Bureau of Labor and Industries)

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**.

Requires employer to pay over, in accordance with law or agreement requiring or authorizing deductions from wages, amounts deducted from employee's wages. Makes failure to pay as required unlawful deduction. Allows Commissioner of Bureau of Labor and Industries to assess civil penalty for unlawful deduction.

A BILL FOR AN ACT

1
2 Relating to deductions from wages; creating new provisions; and amending ORS 652.610 and 652.900.

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

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

5 652.610. (1) All persons, firms, partnerships, associations, cooperative associations, corporations,
6 municipal corporations, the state and its political subdivisions, except the federal government and
7 its agencies, employing, in this state, during any calendar month one or more persons, and with-
8 holding for any purpose[,] any sum of money from the wages, salary or commission earned by an
9 employee, shall provide [*such*] **the** employee on regular paydays with a statement sufficiently item-
10 ized to show the amount and purpose of [*such*] **the** deductions made during the respective period
11 of service [*which said*] **that the** payment covers.

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

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

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

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

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

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

26 (e) The deduction is authorized under ORS 18.736; or

27 (f) The deduction is made from the payment of wages upon termination of employment and is
28 authorized pursuant to a written agreement between the employee and employer for the repayment

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 a loan made to the employee by the employer, if all of the following conditions are met:

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

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

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

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

9 (E) The deduction is recorded in the employer's books.

10 **(4) When an employer deducts an amount from an employee's wages as required or au-**
11 **thorized by law or agreement, the employer shall pay the amount deducted to the appropriate**
12 **recipient as required by the law or agreement. Failure to pay the amount as required con-**
13 **stitutes an unlawful deduction.**

14 [(4)] (5) [Nothing in this section shall be construed as prohibiting] **This section does not:**

15 **(a) Prohibit** the withholding of amounts authorized in writing by the employee to be contributed
16 by the employee to charitable organizations, including contributions made pursuant to ORS 243.666
17 and 663.110; [nor shall this section]

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

20 **(c) Diminish or enlarge** the right of any person to assert and enforce a lawful setoff or
21 counterclaim or to attach, take, reach or apply an employee's compensation on due legal process.

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

23 652.900. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau
24 of Labor and Industries may assess a civil penalty not to exceed \$1,000 against any person who vi-
25 olates ORS 652.020, 652.140, [or] 652.145 **or 652.610 (4)** or any rule adopted pursuant thereto.

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

27 (3) [All penalties recovered] **All sums collected as penalties under this section shall be first**
28 **applied toward reimbursement of costs incurred in determining the violations, conducting**
29 **hearings under this section and addressing and collecting the penalties. The remainder, if**
30 **any, of the sums collected as penalties** under this section shall be paid into the State Treasury
31 and credited to the General Fund and [are] **is** available for general governmental expenses.

32 **SECTION 3. The amendments to ORS 652.610 and 652.900 by sections 1 and 2 of this 2007**
33 **Act apply only to deductions made on or after the effective date of this 2007 Act.**

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