

HOUSE AMENDMENTS TO HOUSE BILL 3539

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

June 4

1 In line 2 of the printed bill, after “practices” insert “; creating new provisions; and amending
2 ORS 342.650”.

3 Delete lines 5 through 21 and insert:

4 **“SECTION 2. (1) An employer violates ORS 659A.030 if:**

5 **“(a) The employer does not allow an employee to use vacation leave, or other leave
6 available to the employee, for the purpose of allowing the employee to engage in the religious
7 observance or practices of the employee; and**

8 **“(b) Accommodating use of the leave by the employee will not impose an undue hardship
9 on the operation of the business of the employer as described in subsection (4) of this sec-
10 tion.**

11 **“(2) Subsection (1) of this section applies only to leave that is not restricted as to the
12 manner in which the leave may be used and that the employer allows the employee to take
13 by adjusting or altering the work schedule or assignment of the employee.**

14 **“(3) An employer violates ORS 659A.030 if:**

15 **“(a) The employer imposes an occupational requirement that restricts the ability of an
16 employee to wear religious clothing, to take time off for a holy day or to take time off to
17 participate in a religious observance or practice;**

18 **“(b) Accommodating those activities does not impose an undue hardship on the operation
19 of the business of the employer as described in subsection (4) of this section; and**

20 **“(c) The activities have only a temporary or tangential impact on the employee’s ability
21 to perform the essential functions of the employee’s job.**

22 **“(4) An accommodation imposes an undue hardship on the operation of the business of
23 the employer for the purposes of this section if the accommodation requires significant dif-
24 ficulty or expense. For the purpose of determining whether an accommodation requires sig-
25 nificant difficulty or expense, the following factors shall be considered:**

26 **“(a) The nature and the cost of the accommodation needed.**

27 **“(b) The overall financial resources of the facility or facilities involved in the provision
28 of the accommodation, the number of persons employed at the facility and the effect on ex-
29 penses and resources or other impacts on the operation of the facility caused by the ac-
30 commodation.**

31 **“(c) The overall financial resources of the employer, the overall size of the business of
32 the employer with respect to the number of persons employed by the employer and the
33 number, type and location of the employer’s facilities.**

34 **“(d) The type of business operations conducted by the employer, including the composi-
35 tion, structure and functions of the workforce of the employer and the geographic**

1 **separateness and administrative or fiscal relationship of the facility or facilities of the em-**
2 **ployer.**

3 **“(e) The safety and health requirements in a facility, including requirements for the**
4 **safety of other employees and any other person whose safety may be adversely impacted by**
5 **the requested accommodation.”.**

6 After line 23, insert:

7 **“SECTION 4.** ORS 342.650 is amended to read:

8 **“342.650. No teacher in any public school shall wear any religious dress while engaged in the**
9 **performance of duties as a teacher. A school district, education service district or public char-**
10 **ter school does not commit an unlawful employment practice under ORS chapter 659A by**
11 **reason of prohibiting a teacher from wearing religious dress while engaged in the perform-**
12 **ance of duties as a teacher.”.**

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