

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 2 - 0
<b>Yeas:</b>	Barton, Edwards C., Esquivel, Holvey, Kennemer, Matthews, Witt, Schaufler
<b>Nays:</b>	Cameron, Thatcher
<b>Exc.:</b>	0
<b>Prepared By:</b>	Theresa Van Winkle, Administrator
<b>Meeting Dates:</b>	4/10, 4/27

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**WHAT THE MEASURE DOES:** Establishes that discrimination against an employee who reports a violation of state or federal laws, rules, or regulations is an unlawful employment practice. Clarifies that an employee can file a civil action in circuit court. Establishes that measure provisions related to filing a civil action are applicable to actions commenced on or after the effective date.

**ISSUES DISCUSSED:**

- Current statutory protections for employees
- Examples of employees being fired or economically disciplined for whistleblowing

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that an employee can file a civil action in circuit court. Establishes that measure provisions related to filing a civil action are applicable to actions commenced on or after the effective date.

**BACKGROUND:** The Civil Rights Division of the Bureau of Labor and Industries (BOLI) is responsible for enforcing statutes which prohibit discrimination against employees based on whistleblowing disclosures or activities such as requests with public safety officers in the apprehension of persons subject to a felony or misdemeanor warrant, employees making a wage claim, and state employees responding to an official request by either a legislator or a legislative committee.

HB 3162-A establishes new provisions in ORS chapter 659A (unlawful discrimination in employment, public accommodations, and real property transactions) that prohibit employers from discriminating or retaliating against an employee if the employee has in good faith reported anything employee believes is evidence of a violation of a state, federal law, rule, or regulation.

Remedies for unlawful discrimination include filing a complaint with BOLI or filing a civil action with either circuit court or federal district court; however, doing so prohibits the right to file a complaint with BOLI. Civil action must be commenced within one year after the occurrence of the unlawful employment practice, unless a complaint was timely filed with BOLI. Under that circumstance, the civil action must take place within 90 days after a 90-day notice is mailed to the complainant.