

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	4 - 0 - 1
Yeas:	Monnes Anderson, Prozanski, Telfer, Rosenbaum
Nays:	0
Exc.:	George
Prepared By:	Jeremy Sarant, Administrator
Meeting Dates:	5/18

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

ISSUES DISCUSSED:

- Filing of claim by employee to protect threatened job
- Sanctions for frivolous claims
- Similar protections for private and public sector employees

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Civil Rights Division of the Bureau of Labor and Industries (BOLI) is responsible for enforcing statutes that prohibit discrimination against employees based on, for example, membership in a protected class or filing a wage claim. Current law protects public employees from discrimination based on whistleblowing disclosures, but does not extend similar protection to private sector employees.

House Bill 3162A establishes new provisions in ORS chapter 659A (which includes unlawful discrimination in employment) that prohibit employers from discriminating or retaliating against any employee, in the public or private sector, if the employee has in good faith reported anything the employee believes is evidence of a violation of a state or federal law, rule, or regulation.

Remedies for unlawful discrimination include filing a complaint with BOLI or filing a civil action with either a circuit court or federal district court; however, filing a civil action terminates the right to file a complaint with BOLI. A civil action must be commenced within one year after the occurrence of the unlawful employment practice, unless a complaint was timely filed with BOLI. In that circumstance, the civil action must be filed within 90 days after BOLI mails a 90-day notice to the complainant.