

House Bill 2744

Sponsored by Representative ESQUIVEL (at the request of Stacy Bannerman)

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 provide leave to certain employees who are spouses of members of military forces that are on active duty during periods of military conflict. Makes failure to grant leave or discrimination against spouse exercising right to military family leave unlawful practice. Requires Bureau of Labor and Industries to enforce provisions of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to employee leave for family members of members of military; and declaring an emergency.

2 Whereas it is essential to provide support for the families of military personnel serving in mili-
3 tary conflicts and to ensure that these families are able to spend time together after being notified
4 of an impending call or order to active duty and before deployment and during leave from deploy-
5 ment of a member of the military; now, therefore,
6

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

8 **SECTION 1. Sections 2 to 5 of this 2009 Act are added to and made a part of ORS chapter**
9 **659A.**

10 **SECTION 2. Sections 2 to 5 of this 2009 Act may be cited as the Oregon Military Family**
11 **Leave Act.**

12 **SECTION 3. As used in sections 2 to 5 of this 2009 Act:**

13 (1) **Notwithstanding ORS 659A.001, "employee" means an individual who performs ser-**
14 **vices for compensation for an employer for an average of at least 20 hours per week. "Em-**
15 **ployee" includes all individuals employed at any site owned or operated by an employer, but**
16 **does not include independent contractors.**

17 (2) **Notwithstanding ORS 659A.001, "employer" means:**

18 (a) **A person, firm, corporation, partnership, legal representative or other business entity**
19 **that engages in any business, industry, profession or activity in this state;**

20 (b) **The state, and a department, agency, board or commission of the state; and**

21 (c) **A local government, including, but not limited to, a county, city, town, municipal**
22 **corporation, independent public corporation or political subdivision of the state.**

23 (3) **"Period of military conflict" means a period of war:**

24 (a) **Declared by the United States Congress;**

25 (b) **Declared by executive order of the President of the United States; or**

26 (c) **In which a reserve component of the Armed Forces of the United States is ordered**
27 **to active duty pursuant to Title 32 of the United States Code or section 12301 or 12302 of Title**
28 **10 of the United States Code.**

29 **SECTION 4. (1) During a period of military conflict, an employee who is a spouse of a**
30 **member of the Armed Forces of the United States, the National Guard or the military re-**

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 serve forces of the United States who has been notified of an impending call or order to ac-
2 tive duty or who has been deployed is entitled to a total of 14 days of unpaid leave per
3 deployment after the military spouse has been notified of an impending call or order to active
4 duty and before deployment and when the military spouse is on leave from deployment.

5 (2) An employee who takes leave authorized under this section is entitled to be restored
6 to a position of employment and to the continuation of benefits as provided in ORS 659A.171.

7 (3) An employee who intends to take leave as authorized under this section must provide
8 the employer with notice of the intention to take leave within five business days of receiving
9 official notice of an impending call or order to active duty or of a leave from deployment.

10 (4) An employee who takes leave authorized under this section may elect to substitute
11 any accrued leave for which the employee is entitled for any part of the leave provided under
12 this section.

13 (5) The Bureau of Labor and Industries may adopt rules necessary for the implementa-
14 tion and administration of sections 2 to 5 of this 2009 Act.

15 **SECTION 5.** It is an unlawful practice for an employer to:

16 (1) Deny military family leave to an employee who is entitled to such leave under sections
17 2 to 5 of this 2009 Act; or

18 (2) Retaliate or in any way discriminate against an individual with respect to hire or
19 tenure or any other term or condition of employment because the individual has inquired
20 about the provisions of sections 2 to 5 of this 2009 Act, submitted a request for military
21 family leave or invoked any provision of sections 2 to 5 of this 2009 Act.

22 **SECTION 6.** This 2009 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
24 on its passage.