

A-Engrossed
House Bill 2903

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representatives CAMERON, GILLIAM; Representatives BERGER, BRUUN, ESQUIVEL, GARRARD, GILMAN, HANNA, KRIEGER, RICHARDSON, THATCHER, THOMPSON, WEIDNER, WHISNANT, WINGARD

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.

Reduces to 72 hours minimum time before first day of employment that employer is required to notify employee in written employment offer that arbitration agreement [*or noncompetition agreement*] is required as condition of employment.

A BILL FOR AN ACT

1 Relating to employment agreements; creating new provisions; and amending ORS 36.620.

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

3 **SECTION 1.** ORS 36.620 is amended to read:

4 36.620. (1) An agreement contained in a record to submit to arbitration any existing or subse-
5 quent controversy arising between the parties to the agreement is valid, enforceable and irrevocable
6 except upon a ground that exists at law or in equity for the revocation of a contract.

7 (2) Subject to ORS 36.625 (8), the court shall decide whether an agreement to arbitrate exists
8 or a controversy is subject to an agreement to arbitrate.

9 (3) An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled.

10 (4) If a party to a judicial proceeding challenges the existence of, or claims that a controversy
11 is not subject to, an agreement to arbitrate, the arbitration proceeding may continue pending final
12 resolution of the issue by the court, unless the court otherwise orders.

13 (5) A written arbitration agreement entered into between an employer and employee and other-
14 wise valid under subsection (1) of this section is voidable and may not be enforced by a court unless:

15 (a) The employer informs the employee in a written employment offer received by the employee
16 at least [*two weeks*] **72 hours** before the first day of the employee's employment that an arbitration
17 agreement is required as a condition of employment; or

18 (b) The arbitration agreement is entered into upon a subsequent bona fide advancement of the
19 employee by the employer.

20 **SECTION 2.** The amendments to ORS 36.620 by section 1 of this 2009 Act apply to arbi-
21 tration agreements entered into on or after the effective date of this 2009 Act.
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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.