

House Bill 3135

Sponsored by COMMITTEE ON BUSINESS AND LABOR

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**.

Authorizes unemployment insurance benefits for striking worker whose job is filled by permanent or temporary replacement.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to unemployment insurance benefits; creating new provisions; amending ORS 657.200; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 657.200 is amended to read:

6 657.200. (1) An individual is disqualified for benefits for any week with respect to which the
7 Director of the Employment Department finds that the unemployment of the individual is due to a
8 labor dispute that is in active progress at the factory, establishment or other premises at which the
9 individual is or was last employed or at which the individual claims employment rights by union
10 agreement or otherwise.

11 (2) When an employer operates two or more premises in the conduct of business they shall be
12 considered one premises for the purposes of this chapter if the labor dispute at one makes it im-
13 possible or impractical to conduct work at the others or in a normal manner.

14 (3) This section does not apply if it is shown to the satisfaction of the director that the indi-
15 vidual:

16 (a) Is unemployed due to a lockout, as defined in ORS 662.205, at the factory, establishment or
17 other premises at which the individual was last employed; or

18 (b)(A) Is not participating in or financing or directly interested in the labor dispute that caused
19 the unemployment of the individual; and

20 (B) Does not belong to a grade or class of workers of which, immediately before the com-
21 mencement of the labor dispute, there were members employed at the premises at which the labor
22 dispute occurs, any of whom are participating in or financing or directly interested in the dispute.

23 (4) An individual who meets all other applicable benefit eligibility requirements of this chapter
24 is not disqualified from receipt of benefits by this section if:

25 (a) The individual was laid off from the employer prior to commencement of the labor dispute,
26 did not work for the employer more than seven days during the 21 calendar days immediately prior
27 to the commencement of the labor dispute and meets the requirements of subsection (3)(b)(A) of this
28 section; or

29 (b) During the labor dispute, the individual's job or position is filled by the employer hiring a
30 permanent **or temporary** replacement [*and the following conditions are met:*]

31 [*(A) The individual subsequently unilaterally abandons the labor dispute and affirmatively seeks*

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 *reemployment with the employer; and]*

2 *[(B) The individual meets the requirements of subsection (3)(b)(A) of this section].*

3 (5) An individual who maintains membership in a labor union or who continues to pay labor
4 union dues does not violate the provisions of subsection (3)(b)(A) of this section, for the purpose of
5 subsection (4) of this section.

6 **SECTION 2. The amendments to ORS 657.200 by section 1 of this 2009 Act apply to claims**
7 **for benefits filed on or after the effective date of this 2009 Act.**

8 **SECTION 3. This 2009 Act takes effect on the 91st day after the date on which the reg-**
9 **ular session of the Seventy-fifth Legislative Assembly adjourns sine die.**

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