

Senate Bill 56

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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 complainant to sign complaint alleging unlawful practice of discrimination.

A BILL FOR AN ACT

1
2 Relating to complaint of discriminatory practice; creating new provisions; and amending ORS
3 659A.820.

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

5 **SECTION 1.** ORS 659A.820, as amended by section 7, chapter 36, Oregon Laws 2008, is amended
6 to read:

7 659A.820. (1) As used in this section, for purposes of a complaint alleging an unlawful practice
8 under ORS 659A.145 or 659A.421 or discrimination under federal housing law, "aggrieved person"
9 includes a person who believes that the person:

10 (a) Has been injured by an unlawful practice or discriminatory housing practice; or

11 (b) Will be injured by an unlawful practice or discriminatory housing practice that is about to
12 occur.

13 (2) Any person claiming to be aggrieved by an alleged unlawful practice may file with the
14 Commissioner of the Bureau of Labor and Industries a verified written complaint that states the
15 name and address of the person alleged to have committed the unlawful practice. The complaint
16 [*may*] **must** be signed by the complainant [*or the attorney for the complainant*]. The complaint must
17 set forth the acts or omissions alleged to be an unlawful practice. The complainant may be required
18 to set forth in the complaint such other information as the commissioner may require. Except as
19 provided in ORS 654.062, a complaint under this section must be filed no later than one year after
20 the alleged unlawful practice.

21 (3)(a) Except as provided in paragraph (b) of this subsection, a complaint may not be filed under
22 this section if a civil action has been commenced in state or federal court alleging the same matters.

23 (b) The prohibition described in paragraph (a) of this subsection does not apply to a complaint
24 alleging an unlawful practice under ORS 659A.145 or 659A.421 or alleging discrimination under
25 federal housing law.

26 (4) If an employer has one or more employees who refuse or threaten to refuse to abide by the
27 provisions of this chapter or to cooperate in carrying out the purposes of this chapter, the employer
28 may file with the commissioner a verified complaint requesting assistance by conciliation or other
29 remedial action.

30 (5) Except as provided in subsection (6) of this section, the commissioner shall notify the person
31 against whom a complaint is made within 30 days of the filing of the complaint. The commissioner

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 shall include in the notice the date, place and circumstances of the alleged unlawful practice.

2 (6) The commissioner shall notify the person against whom a complaint alleging an unlawful
3 practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law is made
4 within 10 days of the filing of the complaint. The commissioner shall include in the notice:

5 (a) The date, place and circumstances of the alleged unlawful practice; and

6 (b) A statement that the person against whom the complaint is made may file an answer to the
7 complaint.

8 **SECTION 2. The amendments to ORS 659A.820 by section 1 of this 2009 Act apply only**
9 **to complaints filed on or after the effective date of this 2009 Act.**

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