

Senate Bill 57

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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**.

Provides that employer commits unlawful employment practice if employer discriminates against employee or job applicant based on fact that member of employee's or applicant's family works or worked for employer, even though employer has mixed motives for discrimination.

A BILL FOR AN ACT

Relating to unlawful employment practices; creating new provisions; and amending ORS 659A.309.

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

SECTION 1. ORS 659A.309 is amended to read:

659A.309. (1) Except as provided in subsection (2) of this section, it is an unlawful employment practice for an employer, [*solely*] because another member of an individual's family works or has worked for that employer, to:

(a) Refuse to hire or employ an individual;

(b) Bar or discharge from employment an individual; or

(c) Discriminate against an individual in compensation or in terms, conditions or privileges of employment.

(2) An employer is not required to hire or employ and is not prohibited from barring or discharging an individual if such action:

(a) Would constitute a violation of any law of this state or of the United States, or any rule promulgated pursuant thereto, with which the employer is required to comply;

(b) Would constitute a violation of the conditions of eligibility for receipt by the employer of financial assistance from the government of this state or the United States;

(c) Would place the individual in a position of exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family or in a position of being subject to such authority which a member of the individual's family exercises; or

(d) Would cause the employer to disregard a bona fide occupational [*requirement*] **qualification** reasonably necessary to the normal operation of the employer's business.

(3) As used in this section, "member of an individual's family" means the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual.

SECTION 2. The amendments to ORS 659A.309 by section 1 of this 2009 Act apply only to conduct occurring on or after the effective date of this 2009 Act.

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.