

**Enrolled  
Senate Bill 786**

Sponsored by Senator NELSON, Representative HUNT; Senators DEVLIN, KRUSE, MONNES ANDERSON, MORRISETTE, STARR, Representatives BERGER, BOONE, BRUUN, CANNON, C EDWARDS, D EDWARDS, GELSER, GILMAN, READ, ROBLAN

CHAPTER .....

AN ACT

Relating to unlawful religious discrimination in employment practices; creating new provisions; and amending ORS 342.650.

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

**SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 659A.**

**SECTION 2. (1) An employer violates ORS 659A.030 if:**

**(a) The employer does not allow an employee to use vacation leave, or other leave available to the employee, for the purpose of allowing the employee to engage in the religious observance or practices of the employee; and**

**(b) Reasonably accommodating use of the leave by the employee will not impose an undue hardship on the operation of the business of the employer as described in subsection (4) of this section.**

**(2) Subsection (1) of this section applies only to leave that is not restricted as to the manner in which the leave may be used and that the employer allows the employee to take by adjusting or altering the work schedule or assignment of the employee.**

**(3) An employer violates ORS 659A.030 if:**

**(a) The employer imposes an occupational requirement that restricts the ability of an employee to wear religious clothing, to take time off for a holy day or to take time off to participate in a religious observance or practice;**

**(b) Reasonably accommodating those activities does not impose an undue hardship on the operation of the business of the employer as described in subsection (4) of this section; and**

**(c) The activities have only a temporary or tangential impact on the employee's ability to perform the essential functions of the employee's job.**

**(4) A reasonable accommodation imposes an undue hardship on the operation of the business of the employer for the purposes of this section if the accommodation requires significant difficulty or expense. For the purpose of determining whether an accommodation requires significant difficulty or expense, the following factors shall be considered:**

**(a) The nature and the cost of the accommodation needed.**

**(b) The overall financial resources of the facility or facilities involved in the provision of the accommodation, the number of persons employed at the facility and the effect on expenses and resources or other impacts on the operation of the facility caused by the accommodation.**

(c) The overall financial resources of the employer, the overall size of the business of the employer with respect to the number of persons employed by the employer and the number, type and location of the employer's facilities.

(d) The type of business operations conducted by the employer, including the composition, structure and functions of the workforce of the employer and the geographic separateness and administrative or fiscal relationship of the facility or facilities of the employer.

(e) The safety and health requirements in a facility, including requirements for the safety of other employees and any other person whose safety may be adversely impacted by the requested accommodation.

**SECTION 3.** Section 2 of this 2009 Act applies only to conduct that occurs on or after the effective date of this 2009 Act.

**SECTION 4.** ORS 342.650 is amended to read:

342.650. No teacher in any public school shall wear any religious dress while engaged in the performance of duties as a teacher. **A school district, education service district or public charter school does not commit an unlawful employment practice under ORS chapter 659A by reason of prohibiting a teacher from wearing religious dress while engaged in the performance of duties as a teacher.**

**SECTION 5.** Section 2 of this 2009 Act shall be known and may be cited as the "Oregon Workplace Religious Freedom Act."

Passed by Senate May 5, 2009

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Secretary of Senate

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President of Senate

Passed by House May 29, 2009

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Speaker of House

Received by Governor:

.....M.,....., 2009

Approved:

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State