

Senate Bill 786

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

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 employer to provide reasonable accommodation to religious observance or practices of employee unless providing accommodation would impose undue hardship on employer. Requires employer to permit employee to use certain leave as accommodation to religious observance or practices of employee. Prohibits occupational requirement that restricts ability of employee to wear religious clothing, to take time off for holy day or to participate in religious observance or practice if activities have only temporary or tangential impact on employee's ability to perform job functions.

Specifies that school district, education service district or public charter school does not commit unlawful employment practice by reason of prohibiting teacher from wearing religious dress while engaged in performance of duties as teacher.

A BILL FOR AN ACT

1
2 Relating to unlawful religious discrimination in employment practices; creating new provisions; and
3 amending ORS 342.650.

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

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

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

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

10 (b) **Accommodating use of the leave by the employee will not impose an undue hardship**
11 **on the operation of the business of the employer as described in subsection (4) of this sec-**
12 **tion.**

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

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

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

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

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

24 (4) **An accommodation imposes an undue hardship on the operation of the business of the**
25 **employer for the purposes of this section if the accommodation requires significant difficulty**
26 **or expense. For the purpose of determining whether an accommodation requires significant**

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 **difficulty or expense, the following factors shall be considered:**

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

3 **(b) The overall financial resources of the facility or facilities involved in the provision of**
4 **the accommodation, the number of persons employed at the facility and the effect on ex-**
5 **penditures and resources or other impacts on the operation of the facility caused by the ac-**
6 **commodation.**

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

10 **(d) The type of business operations conducted by the employer, including the composi-**
11 **tion, structure and functions of the workforce of the employer and the geographic**
12 **separateness and administrative or fiscal relationship of the facility or facilities of the em-**
13 **ployer.**

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

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

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

20 **342.650. No teacher in any public school shall wear any religious dress while engaged in the**
21 **performance of duties as a teacher. A school district, education service district or public char-**
22 **ter school does not commit an unlawful employment practice under ORS chapter 659A by**
23 **reason of prohibiting a teacher from wearing religious dress while engaged in the perform-**
24 **ance of duties as a teacher.**

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