

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	6 - 4 - 0
<b>Yeas:</b>	Barton, Holvey, Hoyle, Matthews, Witt, Schaufler
<b>Nays:</b>	Cameron, Esquivel, Kennemer, Thatcher
<b>Exc.:</b>	0
<b>Prepared By:</b>	Theresa Van Winkle, Administrator
<b>Meeting Dates:</b>	2/5

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**WHAT THE MEASURE DOES:** Modifies definitions and exemptions regarding an employer taking adverse employment action against an employee who declines to attend a meeting or participate in communications concerning the employer's opinion about religious or political matters. Modifies damages available to a prevailing employee in a civil action. Declares an emergency, effective upon passage.

**ISSUES DISCUSSED:**

- How measure responds to concerns raised during the 2009 legislative session regarding SB 519 (2009)
- Current federal lawsuit - *Associated Oregon Industries and Chamber of Commerce of the United States v. Brad Avakian and Laborers' International Union of North America, Local No. 296*
- Provisions of SB 519

**EFFECT OF COMMITTEE AMENDMENT:** Corrects language regarding the definition of "political matters."

**BACKGROUND:** SB 519 (2009) established specific employee and employer rights related to the participation in employer-sponsored meetings and communications regarding religious or political matters. Specifically, the measure prohibited an adverse employment action against an employee for declining to participate in an employer-sponsored meeting or communication regarding either religious or political matters. Exemptions were established for legally required or voluntary meetings or communications, as well as mandatory meetings amongst an employer's executive or administrative personnel to discuss issues, including those subjects covered under SB 519. Political and religious organizations were also exempted from the measure's provisions if mandatory meetings or communications were conducted for the primary purpose of communicating their beliefs, practices, tenets, or purposes. SB 519 also created causes of action.

HB 3653 A clarifies the intent of the legislation by removing the definition of "labor organization," and modifying the definition of "political matters" to include ballot measures and "religious matters" to parallel current federal law regarding the definition of a religious organization. The measure clarifies that employers who are religious organizations, corporations, associations, or educational institutions are exempt from the statutory requirements under SB 519; and does not prohibit mandatory employer-sponsored meetings if they are reasonably necessary to the employees' performance that may lawfully be required by the employer and are related to the business's normal operations.

HB 3653 A also changes the maximum amount a prevailing employee can win in court from treble damages together with back pay to back pay and two times the amount for liquidated damages for harms caused by delay in payment.

2/10/2010 8:28:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***