

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

Vote: 4 - 1 - 0

Yeas: Atkinson, Burdick, Ferrioli, Devlin

Nays: Metsger

Exc.: -

Prepared By: Erin Seiler, Administrator

Meeting Dates: 2/18, 2/20

WHAT THE MEASURE DOES: Repeals statutes prohibiting teacher in any public school from wearing religious dress while engaged in the performance of duties as a teacher and sanctioning teacher for doing so. Adds employee's sincerely held belief to criteria for determining if employer commits discriminatory employment practice by imposing occupational requirement that restricts ability of employee to wear religious clothing. Adds obligation of school district, education service district, or public charter school to maintain religiously neutral work environment to factors for determining whether reasonable accommodations under Oregon Workplace Religious Freedom Act require significant difficulty or expense. Provides criteria for determining if reasonable accommodations impose undue hardship. Applies to conduct after effective date of Act. Prescribes effective date of July 1, 2011.

ISSUES DISCUSSED:

- Definition of religious garb
- Potential litigation against Oregon by the United States Department of Justice
- Protections of religious exercise in other states
- Statutory history of the prohibition on teachers wearing religious dress in public schools
- Appeals process employed by Bureau of Labor and Industries
- Inconsistency in how school districts interpret and apply Oregon Workplace Religious Freedom Act

EFFECT OF COMMITTEE AMENDMENT: Adds employee's sincerely held belief to criteria for determining if employer commits discriminatory employment practice by imposing occupational requirement that restricts ability of employee to wear religious clothing. Provides criteria for determining if reasonable accommodations impose undue hardship. Applies to conduct after effective date of Act.

BACKGROUND: House Bill 3686B repeals ORS 342.650 and ORS 342.655. ORS 342.650, prohibiting teachers in public schools from wearing religious dress while engaged in the performance of their teaching duties, was enacted in 1923. At that time, it read, "No teacher in any public school shall wear in said school, and while engaged in the performance of his duty, any dress or garb of any religious order, sect or denomination." It was amended in 1965 to reflect the first sentence's current wording.

The Oregon Workplace Religious Freedom Act, as enacted under Senate Bill 786 (2009), requires employers to reasonably accommodate religious practices of employees. It added the following to ORS 342.650, "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."

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