

## STAFF MEASURE SUMMARY

MEASURE: HB 2036 A

House Committee on Business and Labor

CARRIER: Rep. Kennemer

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 0
<b>Yeas:</b>	Conger, Doherty, Esquivel, Hoyle, Johnson, Matthews, Kennemer, Schaufler
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Theresa Van Winkle, Administrator
<b>Meeting Dates:</b>	3/7, 3/16

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**WHAT THE MEASURE DOES:** Clarifies the application of statutes related to unlawful discrimination against persons with disabilities. Provides the Bureau of Labor and Industries with the authority to enforce provisions that allow an employee to take leave to attend a criminal proceeding. Removes conflicting provisions related to the Bureau of Labor and Industries' authority to enforce laws related to discriminatory practices. Clarifies that the prohibition of using credit histories for employment purposes does not apply to applicants for public safety officer positions. Declares an emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Provisions of the measure

**EFFECT OF COMMITTEE AMENDMENT:** Removes a provision which would have deleted the term “materially” as a qualifier in disability statutes related to the limitation of life activities due to impairment.

**BACKGROUND:** House Bill 2036-A corrects four different inconsistencies in statutes related to civil rights law, administered by the Bureau of Labor and Industries (BOLI). The measure clarifies that ORS 659A.106 (applicability of statutes related to unlawful discrimination against persons with disabilities for employers) applies to only employment-related statutes, as opposed to the current applicability to these statutes as well as discrimination related to public accommodations, state government services, lodging provisions, and real estate transitions. HB 2036-A also realigns the penalties of statutes regarding protected leave for employees attending criminal proceedings to other protections in Chapter 259A, which are either a private right of action or filing a complaint with BOLI; and removes an unnecessary statutory reference in ORS 659A.903, which prohibits employers from obtaining, seeking, or using employees' genetic information.

House Bill 2036-A also modifies provisions enacted under Senate Bill 1045 (2010), which prohibits the use of credit history for employment purposes including hiring, discharge, promotion, and compensation, unless there was an exemption. One of the exemptions for the prohibition is for the employment of a public safety officer that is either a member of a law enforcement unit or employed as a peace officer for a local government, port, mass transit district, the Oregon Department of Justice's Criminal Justice Division, Governor, or the Oregon State Lottery Commission. House Bill 2036-A expands the exemption to include job applicants for public safety officers located in these entities.