

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	5/12

WHAT THE MEASURE DOES: Modifies applicability of statutes prohibiting unlawful discrimination against persons with disabilities so that provisions governing employment practices are applicable to employers. Removes three unrelated references to civil remedies where inconsistent or redundant: for claim of unlawful denial of leave to attend criminal proceeding, for claim of unlawful use of genetic information, and for unfair housing claim. Permits some uses of credit history for certain public safety officer applicants. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Five separate housekeeping changes

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The statutory section governing unlawful discrimination against persons with disabilities, from ORS 659A.103 through 659A.145, contains provisions for employers, employment agencies, labor organizations, places of public accommodation, places of transient lodging, and programs and services offered by state government. As currently written, the entire section is made applicable to employers. House Bill 2036 A limits the number of subsections made applicable to employers, to include only those related to employment practices.

The measure also cleans up three separate references to remedies. The choice of remedies available to persons claiming unlawful discrimination is generally governed by ORS 659A.870, which includes civil actions filed in state and federal court, and administrative actions by the Bureau of Labor and Industries. As currently written, the provision directing persons with a claim against an employer for denial of leave to attend a criminal proceeding is inconsistent, because it limits the claimant to filing only a civil action; for a claim of unlawful use genetic information, the reference to filing a civil action is redundant; and for an unfair housing claim, persons are referred to the process and penalties available under the Administrative Procedures Act at ORS 183.745. House Bill 2036 A removes these references.

House Bill 2036 A also modifies the provisions of Senate Bill 1045 (2010). Senate Bill 1045 prohibits use of a person's credit history for certain employment decisions, but provides some exceptions. One exception is employment decisions related to public safety officers. House Bill 2036 A expands this exception slightly, to include public safety officer applicants.