

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	8 - 0 - 0
Yeas:	Frederick, Greenlick, Harker, Parrish, Thompson, Weidner, Gilliam, Tomei
Nays:	0
Exc.:	0
Prepared By:	Jennifer Kellar, Administrator
Meeting Dates:	3/30, 4/11

WHAT THE MEASURE DOES: Requires Oregon employers who employ six or more individuals to allow eligible employees to take unpaid leave to address issues arising from harassment. Provides definition for term “victim of harassment”. Includes an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order to definition of “victim of stalking”. Delineates unlawful employment practices for an employer. As requested, requires employer to make reasonable safety accommodations to the victim of harassment. Allows a state employee in an unclassified or exempt position, who is not a confidential, managerial or supervisory employee, to be accompanied by an individual selected by the victimized employee to be present during any interview between the employee and employer. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Proponents assert measure is modest extension of existing statutes
- Rights of victimized individual under existing statutes
- Potential for unfounded claims
- Request for data on public versus private claims filed
- Opponents assert sexual harassment not intended for inclusion as victims of crimes under Senate Bill 928 (2009)
- Vague definition of sexual harassment in state and federal statutes
- Opponents assert sexual harassment claims are subjective and blanket law cannot be applied
- Questions regarding determination of work place accommodations and amount of time needed off for sexual harassment victim
- Questions regarding what constitutes “threatened” sexual harassment
- Discussion regarding amendments

EFFECT OF COMMITTEE AMENDMENT: Removes “sexual harassment” as required category for employee unpaid leave. Provides definition for term “victim of harassment”. Includes an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order to definition of “victim of stalking”.

BACKGROUND: A crime of harassment occurs if a person intentionally harasses or annoys another person by subjecting another person to offensive physical contact or publicly insulting a person by abusive words or gestures in a manner intended and likely to provoke a violent response. For example, an individual subjects another person to alarm by knowingly conveying a false report, concerning death or serious physical injury to a person, which would reasonably be expected to cause alarm to the recipient; or subjects another person to alarm by conveying a telephonic, electronic or written threat to inflict serious physical injury on the recipient or to commit a felony involving the person or property of that person or any member of that person’s family, in which the threat would reasonably be expected to cause alarm to the recipient.

4/14/2011 10:42:00 AM

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