

House Bill 2040

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that unpaid wages requested by employee to be mailed to employee after discharge or termination must be mailed by certified mail. Modifies length of time unclaimed wages collected by Bureau of Labor and Industries must be held before wages are forfeited to state. Makes certain legal summaries available to employers from website of bureau or from bureau upon request.

A BILL FOR AN ACT

1
2 Relating to the regulation of employment; amending ORS 652.140, 652.405 and 653.050.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 652.140 is amended to read:

5 652.140. (1) When an employer discharges an employee or when employment is terminated by
6 mutual agreement, all wages earned and unpaid at the time of the discharge or termination become
7 due and payable not later than the end of the first business day after the discharge or termination.

8 (2)(a) When an employee who does not have a contract for a definite period quits employment,
9 all wages earned and unpaid at the time of quitting become due and payable immediately if the
10 employee has given to the employer not less than 48 hours' notice, excluding Saturdays, Sundays
11 and holidays, of intention to quit employment.

12 (b) Except as provided in paragraph (c) of this subsection, if the employee has not given to the
13 employer the notice described in paragraph (a) of this subsection, the wages become due and payable
14 within five days, excluding Saturdays, Sundays and holidays, after the employee has quit, or at the
15 next regularly scheduled payday after the employee has quit, whichever event first occurs.

16 (c) If the employee has not given to the employer the notice described in paragraph (a) of this
17 subsection and if the employee is regularly required to submit time records to the employer to en-
18 able the employer to determine the wages due the employee, within five days after the employee has
19 quit the employer shall pay the employee the wages the employer estimates are due and payable.
20 Within five days after the employee has submitted the time records, all wages earned and unpaid
21 become due and payable.

22 (3) For the purpose of this section, if employment termination occurs on a Saturday, Sunday or
23 holiday, all wages earned and unpaid shall be paid no later than the end of the first business day
24 after the employment termination, except that if the employment is related to activities authorized
25 under ORS chapter 565, all wages earned and unpaid shall be paid no later than the end of the
26 second business day after the employment termination.

27 (4) **If an employee requests that the employer mail the employee's earned and unpaid**
28 **wages**, the employer shall [*forward such wages by mail*] **mail the wages by certified mail, return**
29 **receipt requested**, to any address designated by the employee [*if the employee requests the employer*
30 *so to do*]. An employer may deposit such wages without discount in the employee's account in a fi-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 nancial institution, as defined in ORS 706.008, in this state, provided the employee and the employer
 2 have agreed to such deposit.

3 (5) This section does not apply to employment for which a collective bargaining agreement oth-
 4 erwise provides for the payment of wages upon termination of employment.

5 (6) When a termination of employment results from the sale of a business or business property
 6 and the purchaser employs or continues the employment of an individual employed at the business,
 7 this section does not apply to the payment to such an individual of wages for earned but unused
 8 accrued holiday leave, sick leave, vacation leave or other leave benefits payable upon termination
 9 of employment pursuant to a collective bargaining or other employment agreement or employer
 10 policy, if the following conditions are met:

11 (a) On the first day of such an individual's continued employment the purchaser of the business
 12 credits the individual with all such earned but unused accrued leave; and

13 (b) The leave, when used, is paid at a rate not less than the rate at which the leave was earned
 14 or, if paid at a lesser rate, the number of hours credited is increased to compensate the individual
 15 for any difference.

16 **SECTION 2.** ORS 652.405 is amended to read:

17 652.405. (1) The Commissioner of the Bureau of Labor and Industries shall attempt for a period
 18 of not less than [*seven*] **three** years to make payment of wages collected under ORS 652.310 to
 19 652.414 to the person entitled thereto.

20 (2) Wages collected by the commissioner under ORS 652.310 to 652.414 and remaining unclaimed
 21 for a period of more than [*seven*] **three** years from the date of collection shall, [*within 30 days after*
 22 *June*] **by July 30** of each year, be forfeited to the state and shall be paid by the commissioner to the
 23 Department of State Lands for the benefit of the Common School Fund of this state. The department
 24 shall issue a receipt for the money to the commissioner. The person entitled to the wages or the
 25 person's heirs or personal representatives may reclaim the wages paid into the Common School Fund
 26 pursuant to this section within the time and in the manner provided for estates which have
 27 escheated to the state.

28 **SECTION 3.** ORS 653.050 is amended to read:

29 653.050. Every employer required by ORS 653.025 or by any rules, orders or permit issued under
 30 ORS 653.030 or 653.261 to pay a minimum wage to any of the employer's employees shall keep
 31 summaries of ORS 653.010 to 653.261, summaries of all rules promulgated by the Commissioner of
 32 the Bureau of Labor and Industries pursuant to ORS 653.010 to 653.261 and summaries of all rules
 33 promulgated by the Wage and Hour Commission posted in a conspicuous and accessible place in or
 34 about the premises where [*such*] **the** employees are employed. Employers **may obtain the summa-**
 35 **ries from the website of the Bureau of Labor and Industries or upon request from the bu-**
 36 **reau, the first copy of which** shall be furnished [*copies of these summaries by the commissioner*]
 37 without charge. In addition, upon request, the [*commissioner*] **bureau** shall furnish the complete text
 38 of all rules promulgated pursuant to ORS 653.010 to 653.261 and by the Wage and Hour Commission
 39 to any employer without charge.