

House Bill 2861

Sponsored by Representative KOTEK (at the request of Oregon Council on Civil Rights, Oregon Advocacy Commissions and Commissioner of the Bureau of Labor and Industries Brad Avakian) (Pre-session filed.)

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**.

Prohibits discrimination against members of certain protected classes in payment of wages for work of comparable character that requires comparable skills to perform.

A BILL FOR AN ACT

1
2 Relating to wage discrimination; amending ORS 652.210 and 652.220.

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

4 **SECTION 1.** ORS 652.210 is amended to read:

5 652.210. As used in ORS 652.210 to 652.230, unless the context requires otherwise:

6 (1) "Employee" means any individual who, otherwise than as a copartner of the employer, as an
7 independent contractor or as a participant in a work training program administered under the state
8 or federal assistance laws, renders personal services wholly or partly in this state to an employer
9 who pays or agrees to pay such individual at a fixed rate. However, when services are rendered only
10 partly in this state, an individual is not an employee unless the contract of employment of the em-
11 ployee has been entered into, or payments thereunder are ordinarily made or to be made, within this
12 state.

13 (2) "Employer" means any person employing one or more employees, [*including*] the State of
14 Oregon or any political subdivision thereof or any county, city, district, authority, public corpo-
15 ration or entity and any of their instrumentalities organized and existing under law or charter.
16 "Employer" does not include the federal government.

17 (3) "**Protected class**" means a group of persons distinguished by race, color, religion, sex,
18 sexual orientation, national origin, marital status, disability or age if the individual is 18
19 years of age or older.

20 [(3)] (4) "Rate" with reference to wages means the basis of compensation for services by an
21 employee for an employer and [*includes*] compensation based on the time spent in the performance
22 of the services, on the number of operations accomplished or on the quantity produced or handled.

23 [(4)] (5) "Unpaid wages" means the difference between the wages actually paid to an employee
24 and the wages required under ORS 652.220 to be paid to the employee.

25 [(5)] (6) "Wages" means all compensation for performance of service by an employee for an em-
26 ployer, whether paid by the employer or another person, [*including*] **and the** cash value of all com-
27 pensation paid in any medium other than cash.

28 **SECTION 2.** ORS 652.220 is amended to read:

29 652.220. [(1) *No employer shall:*]

30 [(a) *In any manner discriminate between the sexes in the payment of wages for work of comparable*
31 *character, the performance of which requires comparable skills.*]

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 *[(b) Pay wages to any employee at a rate less than that at which the employer pays wages to em-*
2 *ployees of the opposite sex for work of comparable character, the performance of which requires com-*
3 *parable skills.]*

4 **(1) An employer may not discriminate against an employee in the payment of wages for**
5 **work that is of comparable character, the performance of which requires comparable skills,**
6 **to the work of another employee, on the basis of the:**

7 **(a) Membership of the employee in a protected class;**

8 **(b) Membership of a person with whom the employee associates in a protected class; or**

9 **(c) Employee having a juvenile record that has been expunged pursuant to ORS 419A.260**
10 **and 419A.262.**

11 (2) Subsection (1) of this section does not apply *[where]* **if:**

12 (a) Payment is made pursuant to a seniority or merit system *[which]* **that** does not discriminate
13 on the *[basis of sex]* **bases specified in subsection (1) of this section.**

14 (b) A differential in wages between employees is based in good faith on factors other than
15 *[sex]* **the bases specified in subsection (1) of this section.**

16 (3) *[No employer shall in any manner]* **An employer may not** discriminate in the payment of
17 wages against any employee because the employee has filed a complaint in a proceeding under ORS
18 652.210 to 652.230, or has testified, or is about to testify, or because the employer believes that the
19 employee may testify, in any investigation or proceedings pursuant to ORS 652.210 to 652.230 or in
20 a criminal action pursuant to ORS 652.210 to 652.230.

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