

House Bill 3134

Sponsored by Representative CANNON (at the request of Mark Sherman)

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**.

Limits use of personality tests when education employer is making employment decisions related to person who will provide educational services. Allows person who took personality test to review results, provide mitigating evidence and retake test.

A BILL FOR AN ACT

1
2 Relating to testing of providers of educational services.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 342.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Education employer" means an employer that is a school district, a public charter**
7 **school, an education service district or the Department of Education.**

8 (b) **"Employment decision" includes a decision to hire, promote, retain or discharge or a**
9 **decision to provide or deny any right or benefit otherwise due or available to an employee**
10 **or a prospective employee.**

11 (c) **"Personality test" means a standardized assessment of the values or behaviors of a**
12 **person used when making an employment decision to determine the compatibility or poten-**
13 **tial compatibility of the person in a work environment.**

14 (2)(a) **An education employer, or a person acting on behalf of an education employer, may**
15 **not use the results of a personality test as the primary basis for making an employment**
16 **decision related to a position in which a person will provide educational services.**

17 (b) **Nothing in this subsection prevents an education employer from considering the re-**
18 **sults of a personality test among other factors used to make an employment decision.**

19 (3) **If an education employer requires a person to take a personality test, the education**
20 **employer shall ensure that the person may:**

21 (a) **Review the results of the personality test, including any analysis available from the**
22 **provider of the personality test;**

23 (b) **Provide any mitigating evidence to the education employer to be considered by the**
24 **education employer when reviewing the results of the personality test; and**

25 (c) **Retake the test and identify which results may be considered by the education em-**
26 **ployer for an employment decision.**

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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.