

## HOUSE AMENDMENTS TO HOUSE BILL 3482

By COMMITTEE ON HUMAN SERVICES

April 14

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages 2 and 3.

2 On page 4, delete lines 1 through 14 and insert:

3 “**SECTION 1.** ORS 659A.270 is amended to read:

4 “659A.270. As used in ORS 659A.270 to 659A.285:

5 “(1) ‘Covered employer’ means an employer who employs six or more individuals in the State  
6 of Oregon for each working day during each of 20 or more calendar workweeks in the year in which  
7 an eligible employee takes leave to address domestic violence, **harassment**, sexual assault or  
8 stalking, or in the year immediately preceding the year in which an eligible employee takes leave  
9 to address domestic violence, **harassment**, sexual assault or stalking.

10 “(2) ‘Eligible employee’ means an employee who:

11 “(a) Worked an average of more than 25 hours per week for a covered employer for at least 180  
12 days immediately before the date the employee takes leave; and

13 “(b) Is a victim of domestic violence, **harassment**, sexual assault or stalking or is the parent  
14 or guardian of a minor child or dependent who is a victim of domestic violence, **harassment**, sexual  
15 assault or stalking.

16 “(3) ‘Protective order’ means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to  
17 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from  
18 contact with an eligible employee or the employee’s minor child or dependent.

19 “(4) ‘Victim of domestic violence’ means:

20 “(a) An individual who has been a victim of abuse, as defined in ORS 107.705; or

21 “(b) Any other individual designated as a victim of domestic violence by rule adopted under ORS  
22 659A.805.

23 “(5) ‘Victim of harassment’ means:

24 “(a) **An individual against whom harassment has been committed as described in ORS**  
25 **166.065.**

26 “(b) **Any other individual designated as a victim of harassment by rule adopted under**  
27 **ORS 659A.805.**

28 “[5] (6) ‘Victim of sexual assault’ means:

29 “(a) An individual against whom a sexual offense has been committed as described in ORS  
30 163.305 to 163.467 or 163.525; or

31 “(b) Any other individual designated as a victim of sexual assault by rule adopted under ORS  
32 659A.805.

33 “[6] (7) ‘Victim of stalking’ means:

34 “(a) An individual against whom stalking has been committed as described in ORS 163.732; [or]

35 “(b) [Any other] **An** individual designated as a victim of stalking by rule adopted under ORS

1 659A.805[.]; or

2 **“(c) An individual who has obtained a court’s stalking protective order or a temporary**  
3 **court’s stalking protective order under ORS 30.866.**

4 “[7] (8) ‘Victim services provider’ means a prosecutor-based victim assistance program or a  
5 nonprofit program offering safety planning, counseling, support or advocacy related to domestic vi-  
6 olence, **harassment**, sexual assault or stalking.

7 **“SECTION 2.** ORS 659A.272 is amended to read:

8 “659A.272. Except as provided in ORS 659A.275, a covered employer shall allow an eligible em-  
9 ployee to take reasonable leave from employment for any of the following purposes:

10 “(1) To seek legal or law enforcement assistance or remedies to ensure the health and safety  
11 of the employee or the employee’s minor child or dependent, including preparing for and participat-  
12 ing in protective order proceedings or other civil or criminal legal proceedings related to domestic  
13 violence, **harassment**, sexual assault or stalking.

14 “(2) To seek medical treatment for or to recover from injuries caused by domestic violence or  
15 sexual assault to or **harassment or** stalking of the eligible employee or the employee’s minor child  
16 or dependent.

17 “(3) To obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed  
18 mental health professional related to an experience of domestic violence, **harassment**, sexual as-  
19 sult or stalking.

20 “(4) To obtain services from a victim services provider for the eligible employee or the  
21 employee’s minor child or dependent.

22 “(5) To relocate or take steps to secure an existing home to ensure the health and safety of the  
23 eligible employee or the employee’s minor child or dependent.

24 **“SECTION 3.** ORS 659A.280 is amended to read:

25 “659A.280. (1) An eligible employee shall give the covered employer reasonable advance notice  
26 of the employee’s intention to take leave for the purposes identified in ORS 659A.272, unless giving  
27 the advance notice is not feasible.

28 “(2) The covered employer may require the eligible employee to provide certification that:

29 “(a) The employee or the employee’s minor child or dependent is a victim of domestic violence,  
30 **harassment**, sexual assault or stalking; and

31 “(b) The leave taken is for one of the purposes identified in ORS 659A.272.

32 “(3) The eligible employee shall provide the certification within a reasonable time after receiv-  
33 ing the covered employer’s request for the certification.

34 “(4) Any of the following constitutes sufficient certification:

35 “(a) A copy of a police report indicating that the eligible employee or the employee’s minor child  
36 or dependent was a victim of domestic violence, **harassment**, sexual assault or stalking.

37 “(b) A copy of a protective order or other evidence from a court, **administrative agency** or  
38 attorney that the eligible employee appeared in or was preparing for a civil, [or] criminal **or ad-**  
39 **ministrative** proceeding related to domestic violence, **harassment**, sexual assault or stalking.

40 “(c) Documentation from an attorney, law enforcement officer, health care professional, licensed  
41 mental health professional or counselor, member of the clergy or victim services provider that the  
42 eligible employee or the employee’s minor child or dependent was undergoing treatment or coun-  
43 seling, obtaining services or relocating as a result of domestic violence, **harassment**, sexual assault  
44 or stalking.

45 “(5) All records and information kept by a covered employer regarding an eligible employee’s

1 leave under ORS 659A.270 to 659A.285, including the fact that the employee has requested or ob-  
2 tained leave under ORS 659A.272, are confidential and may not be released without the express  
3 permission of the employee, unless otherwise required by law.

4 “**SECTION 4.** ORS 659A.290 is amended to read:

5 “659A.290. (1) As used in this section:

6 “(a) ‘Reasonable safety accommodation’ may include, but is not limited to, a transfer, reassign-  
7 ment, modified schedule, unpaid leave from employment, changed work telephone number, changed  
8 work station, installed lock, implemented safety procedure or any other adjustment to a job struc-  
9 ture, workplace facility or work requirement in response to actual or threatened domestic violence,  
10 **harassment**, sexual assault or stalking.

11 “(b) ‘Victim of domestic violence’ has the meaning given that term in ORS 659A.270.

12 “(c) ‘**Victim of harassment**’ has the meaning given that term in ORS 659A.270.

13 “[c] (d) ‘Victim of sexual assault’ has the meaning given that term in ORS 659A.270.

14 “[d] (e) ‘Victim of stalking’ has the meaning given that term in ORS 659A.270.

15 “(2) It is an unlawful employment practice for an employer to:

16 “(a) Refuse to hire an otherwise qualified individual because the individual is a victim of do-  
17 mestic violence, **harassment**, sexual assault or stalking.

18 “(b) Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retali-  
19 ate against an individual with regard to promotion, compensation or other terms, conditions or  
20 privileges of employment because the individual is a victim of domestic violence, **harassment**, sex-  
21 ual assault or stalking.

22 “(c) Refuse to make a reasonable safety accommodation requested by an individual who is a  
23 victim of domestic violence, **harassment**, sexual assault or stalking, unless the employer can dem-  
24 onstrate that the accommodation would impose an undue hardship on the operation of the business  
25 of the employer, as determined under ORS 659A.121.

26 “(3)(a) Prior to making a reasonable safety accommodation, an employer may require an indi-  
27 vidual to provide certification that the individual is a victim of domestic violence, **harassment**,  
28 sexual assault or stalking.

29 “(b) An individual must provide a certification required under paragraph (a) of this subsection  
30 within a reasonable time after receiving the employer’s request for certification.

31 “(c) Any of the following constitutes sufficient certification:

32 “(A) A copy of a police report indicating that the individual was or is a victim of domestic vi-  
33 olence, **harassment**, sexual assault or stalking.

34 “(B) A copy of a protective order or other evidence from a court, **administrative agency** or  
35 attorney that the individual appeared in or is preparing for a civil, [or] criminal **or administrative**  
36 proceeding related to domestic violence, **harassment**, sexual assault or stalking.

37 “(C) Documentation from an attorney, law enforcement officer, health care professional, licensed  
38 mental health professional or counselor, member of the clergy or victim services provider that the  
39 individual was or is undergoing treatment or counseling, obtaining services or relocating as a result  
40 of domestic violence, **harassment**, sexual assault or stalking.

41 “(d) All records and information kept by an employer regarding a reasonable safety accommo-  
42 dation made for an individual are confidential and may not be released without the express permis-  
43 sion of the individual, unless otherwise required by law.”.