

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 6 - 0 - 2
Yeas: Conger, Doherty, Esquivel, Matthews, Garrett, Kennemer
Nays: 0
Exc.: Hoyle, Johnson
Prepared By: Theresa Van Winkle, Administrator
Meeting Dates: 2/20, 2/22

WHAT THE MEASURE DOES: Prohibits a job vacancy advertisement that limits applicants to persons who are currently employed. Imposes civil penalties for violations. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Number of unemployed and underemployed Oregonians
- Examples of job advertisements that would violate the measure's provisions
- Frequency of discrimination against the unemployed when applying for job openings
- How the measure does not create a private right of action
- Issues facing individuals trying to return to the workforce after caring for children or a family member
- Dollar amounts of the proposed civil penalties

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Senate Bill 1548 prohibits employers and employment agencies from publishing a job vacancy advertisement that provides that the position's requirements include current employment, that an employment application from an unemployed applicant will not be considered or reviewed, or that only employment applications from currently employed applicants will be considered or reviewed. The measure applies to both print and web-based advertisements for Oregon-based job vacancies. Violations are established as an unlawful practice with a civil penalty of up to \$1,000 per violation per ORS 659A.855. This statute allows the Commissioner of the Bureau of Labor and Industries to file a complaint alleging an unlawful practice other than an unlawful employment practice.

The measure states that nothing in its provisions shall be construed to prohibit job vacancy advertisements from including qualifications for a job vacancy such as minimum levels of education or training or holding a current or valid license, certificate, permit or other credential; or stating that only current employees of the employee will be considered for the position.

In 2011, four states considered legislation regarding discrimination against unemployed persons: New Jersey, Illinois, Michigan, and New York. New Jersey passed similar legislation to the provisions of Senate Bill 1548.