



HB 2111A – Conforms State and Federal Language

Amending 659A.104 to Accommodate Oregonians with Disabilities

Timeline:

In 2009, Oregon amended ORS 659A.103-145, “Unlawful Discrimination Against Person with Disability”, to conform to the federal Americans with Disabilities Act (ADA) and the Americans with Disabilities Act as Amended (ADAAA).

However, when this occurred, the word “materially” was introduced as a qualifier related to the limitations of life activities due to impairment. This raised the standard it would take for someone to be considered disabled and, therefore, covered by anti-discrimination laws. It violated Congressional intent that provides broader protections. A state may provide protections above the federal standard, but not below it. This is what the word “materially” did when the law was amended.

HB 2111 with the –A amendment represents language identical to the federal language and, thus, is in complete conformance. It is a consensus product of AOI, Disability Rights Oregon and the Bureau of Labor & Industries. BOLI enforces civil rights in Oregon and has a contract with EEOC to enforce anti-discrimination laws.

Federal law explicitly states a less-restrictive standard in definition. Oregon’s current statute does not conform to the ADAAA, is not found in the ADAAA, and is clearly inconsistent with the findings, purpose and regulations of the ADAAA. By passing HB 2111A, Oregon will mirror federal law.