

HB 3263

Relating to leave from employment for state employees who are victims of certain crimes

The measure allows an employee of the State of Oregon who is a victim of domestic violence, harassment, sexual assault, or stalking to take up to 160 hours of leave with pay each calendar year after exhausting all other forms of paid leave available to the employee. The measure also requires the State of Oregon, as an employer, to immediately inform an employee of any attempted communication in the workplace, direct or indirect, related to the victimization of the employee and offer to report the communication to law enforcement. The bill requires that the State of Oregon annually inform all employees of the statutory provisions related to prohibited conduct by employers, requirement to provide reasonable safety accommodations, and confidential recordkeeping regarding victims of domestic violence, harassment, sexual assault, and stalking.

The General Government Subcommittee recommends HB 3263 be reported out do pass.

Joint Committee on Ways and Means

Carrier – House: Rep. Parrish
Carrier – Senate: Sen. Steiner Hayward

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Matt Stayner, Legislative Fiscal Office

Meeting Date: June 12, 2013

WHAT THE MEASURE DOES: The measure allows an employee of the State of Oregon who is a victim of domestic violence, harassment, sexual assault, or stalking to take up to 160 hours of leave with pay each calendar year after exhausting all other forms of paid leave available to the employee. The measure also requires the State of Oregon, as an employer, to immediately inform an employee of any attempted communication in the workplace, direct or indirect, (assumedly by the perpetrator) related to the victimization of the employee and offer to report the communication to law enforcement. The bill also requires that the State of Oregon annually inform all employees of the statutory provisions related to prohibited conduct by employers, requirement to provide reasonable safety accommodations, and confidential recordkeeping regarding victims of domestic violence, harassment, sexual assault, and stalking.

ISSUES DISCUSSED:

- Accounting treatment of compensated absences
- Potential fiscal impact

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under current law, any employer who employs at least six individuals is required to allow an eligible employee to take reasonable, unpaid leave to seek services, assistance or treatment if they are a victim of domestic violence, harassment, sexual assault or stalking. An employee is eligible for protected leave if the individual has worked for the employer an average of more than 25 hours per week for at least 180 days.

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3263 - A

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Matt Stayner
Reviewed by: Daron Hill, Paul Siebert
Date: 5/20/13

Measure Description:

Requires State of Oregon to grant paid leave to eligible employees who are victims of domestic violence, harassment, sexual assault or stalking.

Government Unit(s) Affected:

Department of Administrative Services (DAS), Statewide

Summary of Expenditure Impact:

Please see analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure allows an employee of the State of Oregon who is a victim of domestic violence, harassment, sexual assault, or stalking to take up to 160 hours of leave with pay each calendar year after exhausting all other forms of paid leave available to the employee. The measure also requires the State of Oregon, as an employer, to immediately inform an employee of any attempted communication in the workplace, direct or indirect, (assumedly by the perpetrator) related to the victimization of the employee and offer to report the communication to law enforcement. The bill also requires that the State of Oregon annually inform all employees of the statutory provisions related to prohibited conduct by employers, requirement to provide reasonable safety accommodations, and confidential recordkeeping regarding victims of domestic violence, harassment, sexual assault, and stalking.

The fiscal impact of the measure is indeterminate. The Employment Department cites statistics provided by the Oregon Department of Human Services estimating that 1.0% of the Oregon adult population age 16 and over were reported as victims of domestic or sexual assault in 2011. Using this estimate and applying that rate to an estimated 48,000 state employees equates to 480 individuals each year. The actual number of employees eligible is unknown. At full utilization of 160 hours of paid leave each year and assuming all 480 employees took the additional leave, this would total 153,600 hours of paid leave in a biennium. However, the bill also requires that an employee exhaust all other forms of paid leave available prior to accessing the paid leave provided by the bill. The number and availability of other forms of paid leave vary greatly from person to person and therefore even using these statistics, the total number of hours that might be taken cannot be determined.

The potential fiscal impact to agencies generally, is the loss of productive activity due to the absent employee. If an agency is not able to absorb the workload using existing resources the agency may have to hire temporary employees to perform those duties. Depending on the number of employees in an agency eligible, the cost of temporary positions, and the utilization rate of the additional leave, the measure may have a significant impact. The magnitude of the impact is unknown and therefore the fiscal impact is indeterminate.