

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed
Vote: 8 - 1 - 1
Yeas: Barton, Fagan, Holvey, Kennemer, Matthews, Thompson, Witt, Doherty
Nays: Weidner
Exc.: Thatcher
Prepared By: Jan Nordlund, Administrator
Meeting Dates: 2/6, 3/18

WHAT THE MEASURE DOES: Revises standard for determining whether person is substantially limited in major life activity for purpose of employment discrimination.

ISSUES DISCUSSED:

- Effort to conform state law to federal law
- Justification for having both state and federal law
- Whether proposed change to definition of disability conforms to or exceeds federal definition
- Whether proposed change will make compliance more difficult for employers

EFFECT OF COMMITTEE AMENDMENT: Revises standard for determining whether person is substantially limited in major life activity by applying the same language used by the U.S. Equal Employment Opportunity Commission.

BACKGROUND: The federal Americans with Disabilities Act (ADA), as well as Oregon law, prohibit employers from discriminating against disabled job applicants and employees. The ADA applies to employers with 15 or more employees, while Oregon law applies to employers with six or more employees. The federal Americans with Disabilities Amendment Act (ADAA) took effect in 2009 and provides broader protections to individuals with disabilities. Oregon enacted legislation in 2009 (Senate Bill 874) to more closely conform to the federal law.

Under Oregon’s anti-discrimination law, part of determining whether a person is disabled is determining if the person is “materially” restricted in one or more major life activities by an impairment, a past impairment, or a perceived impairment. House Bill 2111-A deletes the word “materially” from this standard and introduces language used by the U.S. Equal Employment Opportunity Commission.