

Enrolled House Bill 2683

Sponsored by Representative JOHNSON; Representative FREEMAN (at the request of Associated Oregon Industries) (Presession filed.)

CHAPTER

AN ACT

Relating to method of payment of wages; amending ORS 652.110.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 652.110 is amended to read:

652.110. (1) A person engaged in any business or enterprise of any kind in this state may not issue, in payment of or as evidence of indebtedness for wages due an employee, any order, check, memorandum or other instrument of indebtedness unless the instrument is negotiable and payable without discount in cash on demand at some bank or other established place of business in the county where the employee lives or works and where a sufficient amount of funds have been provided and are or will be available for the payment of the instrument when due. The person shall, upon presentation and demand, pay the instrument in lawful money of the United States.

(2) This section does not in any way limit or interfere with the right of any employee to accept from any person, as an evidence or acknowledgment of indebtedness for wages due the employee, a negotiable instrument, payable at some future date with interest.

(3) *[An employer and an employee may agree to authorize the employer to deposit without discount wages due the employee in the employee's account in a financial institution, as defined in ORS 706.008, in this state.]* **An employer may pay wages without discount through direct deposit of wages due to an employee into the employee's account in a financial institution, as defined in ORS 706.008, in this state.**

(4) An employer shall pay wages due to an employee by check upon the written or oral request of the employee.

[(4)] **(5)** An employer and an employee may agree that the employer may pay wages through *[a direct deposit system,]* **an** automated teller machine card, payroll card or other means of electronic transfer if the employee may:

(a) Make an initial withdrawal of the entire amount of net pay without cost to the employee; or

(b) Choose to use another means of payment of wages that involves no cost to the employee.

[(5)] **(6)** An agreement described in subsection *[(4)]* **(5)** of this section must be made in the language that the employer principally uses to communicate with the employee.

[(6)(a)] **(7)(a)** Except as provided in paragraph (b) of this subsection, to revoke an agreement described in subsection *[(4)]* **(5)** of this section, an employee shall give the employer a written notice of revocation of the agreement. Unless the employer and employee agree otherwise, the agreement is revoked 30 days after the date the notice is received by the employer.

(b) To revoke an agreement described in subsection [(4)] (5) of this section, an employee who works for an employer as a seasonal farmworker as defined in ORS 652.145 or an employee who is employed in packing, canning, freezing or drying any variety of agricultural crops shall give the employer notice of revocation of the agreement either orally or in writing. Unless the employer and the employee agree otherwise, the agreement is revoked 10 days after the date the notice is received by the employer.

(8) Nothing in this section is intended to limit the rights of an employee or otherwise affect an employee covered by a collective bargaining agreement.

Passed by House April 10, 2013

Received by Governor:

Repassed by House June 5, 2013

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Approved:

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Ramona J. Line, Chief Clerk of House

.....M,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate May 30, 2013

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State