

Enrolled House Bill 3263

Sponsored by Representative PARRISH, Senator STEINER HAYWARD, Representative WEIDNER, Senators COURTNEY, DINGFELDER; Representatives BARTON, MATTHEWS, THOMPSON, Senators BATES, DEVLIN, MONNES ANDERSON, MONROE, ROBLAN, ROSENBAUM, SHIELDS, STARR

CHAPTER

AN ACT

Relating to leave from employment for state employees who are victims of certain crimes; creating new provisions; amending ORS 659A.290; and declaring an emergency.

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

SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 659A.270 to 659A.285.

SECTION 2. (1) As used in this section, “public employer” means the State of Oregon.

(2)(a) Notwithstanding ORS 659A.285, an eligible employee of the public employer who is a victim of domestic violence, a victim of harassment, a victim of sexual assault or a victim of stalking shall be granted leave with pay from employment for the purposes specified in ORS 659A.272.

(b) Leave with pay authorized by this section is in addition to any vacation, sick, personal business or other form of paid or unpaid leave available to the eligible employee. However, an eligible employee must exhaust all other forms of paid leave before the employee may use the paid leave established under this section.

(c) An eligible employee may take up to 160 hours of leave with pay authorized by this section in each calendar year.

(3) If the public employer has knowledge, or reasonably should have knowledge, that an employee is a victim of domestic violence, a victim of harassment, a victim of sexual assault or a victim of stalking and that any direct or indirect communication to the eligible employee related to the victimization of the employee is made or attempted to be made in the workplace, the public employer of the employee shall immediately inform the employee and offer to report the communication to law enforcement.

(4) The public employer shall annually inform all employees of the provisions of ORS 659A.290.

SECTION 3. ORS 659A.290 is amended to read:

659A.290. (1) As used in this section:

(a) “Reasonable safety accommodation” may include, but is not limited to, a transfer, reassignment, modified schedule, **use of available paid leave from employment**, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure or any other adjustment to a job structure, workplace facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault or stalking.

- (b) "Victim of domestic violence" has the meaning given that term in ORS 659A.270.
- (c) "Victim of harassment" has the meaning given that term in ORS 659A.270.
- (d) "Victim of sexual assault" has the meaning given that term in ORS 659A.270.
- (e) "Victim of stalking" has the meaning given that term in ORS 659A.270.

(2) It is an unlawful employment practice for an employer to:

(a) Refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, harassment, sexual assault or stalking.

(b) Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an individual with regard to promotion, compensation or other terms, conditions or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault or stalking.

(c) Refuse to make a reasonable safety accommodation requested by an individual who is a victim of domestic violence, harassment, sexual assault or stalking, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer, as determined under ORS 659A.121.

(3)(a) Prior to making a reasonable safety accommodation, an employer may require an individual to provide certification that the individual is a victim of domestic violence, harassment, sexual assault or stalking.

(b) An individual must provide a certification required under paragraph (a) of this subsection within a reasonable time after receiving the employer's request for certification.

(c) Any of the following constitutes sufficient certification:

(A) A copy of a police report indicating that the individual was or is a victim of domestic violence, harassment, sexual assault or stalking.

(B) A copy of a protective order or other evidence from a court, administrative agency or attorney that the individual appeared in or is preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking.

(C) Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the individual was or is undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

(d) All records and information kept by an employer regarding a reasonable safety accommodation made for an individual are confidential and may not be released without the express permission of the individual, unless otherwise required by law.

SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House June 19, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 25, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

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

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

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

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Kate Brown, Secretary of State