

A-Engrossed
House Bill 3263

Ordered by the House April 23
Including House Amendments dated April 23

Sponsored by Representative PARRISH, Senator STEINER HAYWARD, Representative WEIDNER; Representatives BARTON, MATTHEWS, THOMPSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires State of Oregon to grant paid leave to eligible employees who are victims of domestic violence, harassment, sexual assault or stalking. Establishes annual limit for leave. **Requires eligible employee to exhaust all other forms of paid leave prior to using leave established under Act.** Requires State of Oregon to inform certain employees of communications in the workplace that are related to victimization of employee and annually inform all employees of availability of leave. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to leave from employment for state employees who are victims of certain crimes; creating
3 new provisions; amending ORS 659A.290; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 659A.270 to**
6 **659A.285.**

7 **SECTION 2. (1) As used in this section, "public employer" means the State of Oregon.**

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

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

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

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

24 **(4) The public employer shall annually inform all employees of the provisions of ORS**
25 **659A.290.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

2 659A.290. (1) As used in this section:

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

8 (b) “Victim of domestic violence” has the meaning given that term in ORS 659A.270.

9 (c) “Victim of harassment” has the meaning given that term in ORS 659A.270.

10 (d) “Victim of sexual assault” has the meaning given that term in ORS 659A.270.

11 (e) “Victim of stalking” has the meaning given that term in ORS 659A.270.

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

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

15 (b) Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate
16 against an individual with regard to promotion, compensation or other terms, conditions or privi-
17 leges of employment because the individual is a victim of domestic violence, harassment, sexual as-
18 sault or stalking.

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

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

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

28 (c) Any of the following constitutes sufficient certification:

29 (A) A copy of a police report indicating that the individual was or is a victim of domestic vi-
30 olence, harassment, sexual assault or stalking.

31 (B) A copy of a protective order or other evidence from a court, administrative agency or at-
32 torney that the individual appeared in or is preparing for a civil, criminal or administrative pro-
33 ceeding related to domestic violence, harassment, sexual assault or stalking.

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

38 (d) All records and information kept by an employer regarding a reasonable safety accommo-
39 dation made for an individual are confidential and may not be released without the express permis-
40 sion of the individual, unless otherwise required by law.

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