

# House Bill 2212

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor)

## 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 **as introduced**.

Authorizes imposition of civil penalty against employer that fails to pay wages owing to employee on regular payday. Creates exception.

## A BILL FOR AN ACT

1  
2 Relating to timely payment of wages; amending ORS 652.120 and 652.900.

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

4 **SECTION 1.** ORS 652.120 is amended to read:

5 652.120. (1) Every employer shall establish and maintain a regular payday, at which date the  
6 employer shall pay all employees the wages due and owing to them.

7 (2) Payday may not extend beyond a period of 35 days from the time that the employees entered  
8 upon their work, or from the date of the last regular payday.

9 (3) This section does not prevent the employer from establishing and maintaining paydays at  
10 more frequent intervals.

11 (4) This section does not prevent any employer from entering into a written agreement, prior to  
12 the rendering of any services, and mutually satisfactory with the employer's employees, as to the  
13 payment of wages at a future date.

14 **(5)(a) Except as provided in subsection (6) of this section, if an employer fails to pay**  
15 **wages due and owing to an employee on the regular payday established as required by sub-**  
16 **section (1) of this section, and the failure to pay those wages is not the result of circum-**  
17 **stances beyond the control of the employer, the employer is subject to a civil penalty as**  
18 **provided in ORS 652.900.**

19 **(b) For purposes of determining when an employer has paid wages or compensation under**  
20 **this section, payment occurs on the date the employer delivers the payment to the employee**  
21 **or sends the payment by first class mail, express mail or courier service.**

22 *[(5)]* **(6)** When an employer has notice that an employee has not been paid the full amount the  
23 employee is owed on a regular payday and there is no dispute between the employer and the em-  
24 ployee regarding the amount of the unpaid wages:

25 (a) If the unpaid amount is less than five percent of the employee's gross wages due on the  
26 regular payday, the employer shall pay the employee the unpaid amount no later than the next  
27 regular payday; or

28 (b) If the unpaid amount is five percent or more of the employee's gross wages due on the reg-  
29 ular payday, the employer shall pay the employee the unpaid amount within three days after the  
30 employer has notice of the unpaid amount, excluding Saturdays, Sundays and holidays.

31 **SECTION 2.** ORS 652.900 is amended to read:

**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       652.900. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau  
2 of Labor and Industries may assess a civil penalty not to exceed \$1,000 against any person who vi-  
3 olates ORS 652.020, 652.110, **652.120**, 652.140, 652.145, 652.260, 652.610 (4) or 652.750 or any rule  
4 adopted under those statutes.

5       (2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

6       (3) All sums collected as penalties under this section shall be first applied toward reimbursement  
7 of costs incurred in determining the violations, conducting hearings under this section and ad-  
8 dressing and collecting the penalties. The remainder, if any, of the sums collected as penalties under  
9 this section shall be paid into the State Treasury and credited to the General Fund and is available  
10 for general governmental expenses.

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