

SENATE AMENDMENTS TO SENATE BILL 718

By COMMITTEE ON WORKFORCE

April 27

1 On page 5 of the printed bill, line 44, after the period insert “If an employer has terminated an
2 at-will employee and did not have any reason for doing so, the employer may comply with the re-
3 quirements of this subsection by providing a statement that the employee was an at-will employee
4 and the employer had no particular reason for discharging the employee.”.

5 On page 6, line 36, delete “calculated as provided in ORS 652.150” and insert “in an amount
6 equal to eight hours pay per day at the employee’s regular rate of pay until the earliest of the date
7 of payment of the unpaid wages, the date action to recover unpaid wages is commenced or 30 days
8 from the date the unpaid wages were due”.

9 On page 7, delete lines 3 and 4.

10 In line 8, delete the second “and”.

11 Delete lines 9 through 12 and insert “shall provide the employee on regular paydays and at the
12 time payment of wages, salary or commission is made, with an itemized statement as described in
13 paragraph (b) of this subsection.”.

14 After line 14, insert:

15 “(A) The date of the payment;”.

16 In line 15, delete “(A)” and insert “(B)”.

17 In line 16, delete “(B)” and insert “(C)”.

18 In line 17, delete “(C)” and insert “(D)”.

19 In line 18, delete “(D)” and insert “(E)”.

20 In line 19, delete “(E)” and insert “(F)”.

21 In line 20, delete “(F)” and insert “(G)”.

22 In line 22, delete “(G)” and insert “(H)”.

23 In line 23, delete “(H)” and insert “(I)”.

24 In line 24, delete “(I)” and insert “(J)”.

25 In line 26, delete “(J)” and insert “(K)”.

26 In line 27, delete “(K)” and insert “(L)”.

27 In line 31, delete “(L)” and insert “(M)”.

28 Delete lines 33 and 34.

29 In line 35, delete “(b)” and insert “(2)(a)”.

30 In line 37, delete “(c)” and insert “(b)”.

31 In line 39, delete “(d)” and insert “(c)”.

32 In line 41, delete “(e)” and insert “(d)” and delete “(c)” and insert “(b)”.

33 On page 8, line 3, before “authorized” insert “voluntarily”.

34 In line 36, delete “(1)(a)”.

35 In line 41, after the period insert “Notwithstanding ORS 20.077, in an action asserting multiple

1 claims for wages under the statutes specified in this section, the prevailing party is the party to
2 whom a money judgment is awarded on any claim, or, if no money judgement is awarded, the de-
3 fendant.”.

4 Delete lines 42 through 45 and delete pages 9 through 11.

5 On page 12, delete lines 1 through 14 and insert:

6 **“SECTION 9. (1) There is hereby created a private cause of action for violation of ORS**
7 **652.610 (1) or (3), 652.750 (2), (3), (6) or (7) and section 10 of this 2015 Act.**

8 **“(2) Violation of ORS 652.610 (1) or 652.750 tolls the statute of limitations for recovery**
9 **of any wages or damages identified in those records for the duration of the violation.**

10 **“(3) Upon a finding that ORS 652.610 (1) or (3) or section 10 of this 2015 Act has been vi-**
11 **olated, the court shall award to the prevailing employee:**

12 **“(a) Actual damages, including, but not limited to, lost wages and benefits plus interest;**

13 **“(b) Statutory damages of \$500;**

14 **“(c) Reasonable attorney fees and costs; and**

15 **“(d) Other necessary or appropriate relief as determined by the court, including, but not**
16 **limited to, injunctive and declaratory relief.**

17 **“(4) Upon finding a violation of ORS 652.750 (2), (3) or (6), the court shall award the**
18 **aggrieved person:**

19 **“(a) Actual damages, including, but not limited to, lost wages and benefits plus interest;**

20 **“(b) Upon occurrence of the later of the day the statute requires compliance or the**
21 **eighth day after the employee has mailed to the employer a written demand for compliance**
22 **that references this section, statutory damages of \$50 per day for each day that the violation**
23 **continues up to a maximum of \$5,000;**

24 **“(c) Reasonable attorney fees and costs; and**

25 **“(d) Other necessary or appropriate relief as determined by the court, including, but not**
26 **limited to, injunctive and declaratory relief.”.**

27 In line 34, before “For” insert “(1)”.

28 After line 37, insert:

29 **“(2) This section does not apply to a general contractor in the construction industry who sub-**
30 **contracts with independent subcontractors in multiple trades when determining the relationship of**
31 **the general contractor to employees of the subcontractors.”.**