

**A-Engrossed**  
**Senate Bill 845**

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

Sponsored by COMMITTEE ON WORKFORCE

**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.

Establishes penalty to be imposed by Employment Department on large employers whose employees receive health care coverage through medical assistance program. Appropriates penalties collected by department to Oregon Health Authority for specified purposes. Establishes remedy for employee who is retaliated against by employer for applying for or receiving medical assistance or premium tax credits under Patient Protection and Affordable Care Act.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to health care for low-income workers; creating new provisions; amending ORS 314.840,  
3 657.601, 657.610, 657.625, 657.630, 657.635, 657.640, 657.646, 657.660, 657.665 and 659A.885; and  
4 declaring an emergency.

5 Whereas working Oregonians should have affordable, comprehensive health insurance coverage;  
6 and

7 Whereas most working Oregonians obtain their health insurance coverage through their em-  
8 ployment, but some working Oregonians receive coverage of their health care costs through the  
9 medical assistance program or through qualified health plans purchased on the health insurance  
10 exchange; and

11 Whereas the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by  
12 the Health Care and Education Reconciliation Act (P.L. 111-152) (Affordable Care Act), is expected  
13 to reduce the number of Oregonians without health insurance coverage by providing coverage  
14 through changes to the medical assistance program and the creation of the exchange; and

15 Whereas although the Affordable Care Act sets a standard for what constitutes affordable,  
16 employment-based coverage and imposes penalties on any large employer whose full-time, nonsea-  
17 sonal employees receive coverage through the exchange, federal law imposes no penalty on large  
18 employers whose employees receive coverage through the taxpayer-funded medical assistance pro-  
19 gram; and

20 Whereas employers who fail to provide affordable coverage to low-wage workers who are cov-  
21 ered by medical assistance shift the cost of health care coverage from the employer to the taxpayer;  
22 and

23 Whereas employers can avoid the employer responsibility penalty of the Affordable Care Act  
24 by reducing wages, hours worked or both, so that workers are no longer full-time, full-year employ-  
25 ees within the meaning of the Affordable Care Act; and

26 Whereas workers who face low wages, work part-time or both are too often eligible for

**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 taxpayer-funded medical assistance instead of affordable, employer-based coverage; and

2 Whereas persons who are covered by health insurance have better health outcomes than those  
3 who lack coverage; and

4 Whereas persons without health insurance coverage are more likely to be in poor health, more  
5 likely to miss needed medications and treatment and more likely to have chronic conditions that are  
6 not properly managed; and

7 Whereas persons without health insurance coverage are at risk of financial ruin because med-  
8 ical debt is the second most common cause of personal bankruptcy in the United States; and

9 Whereas taxpayers, through state and local governments, fund county clinics, community clinics  
10 and other safety net providers that provide care to those working people whose employers fail to  
11 provide affordable health insurance coverage to their employees as well as to other uninsured per-  
12 sons; and

13 Whereas controlling health care costs can be more readily achieved if a greater share of work-  
14 ing people and their families have employer-sponsored health insurance so that cost shifting is  
15 minimized; and

16 Whereas the social and economic burden created by the lack of health insurance coverage for  
17 some workers and the coverage of other workers through the medical assistance program creates  
18 a burden on other employers, the state, affected workers and the families of affected workers who  
19 suffer ill health and risk financial ruin; now, therefore,

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

21 **SECTION 1. The purpose of sections 1 to 5 of this 2015 Act is to:**

22 (1) **Ensure that large employers pay a fair share penalty for health care coverage pro-**  
23 **vided to their employees through the medical assistance program and to base that penalty**  
24 **on the cost of employee-only health insurance provided by other large employers to their**  
25 **employees.**

26 (2) **Encourage large employers to provide affordable health insurance coverage to low-**  
27 **wage employees who would otherwise be enrolled in the medical assistance program and to**  
28 **discourage employers from reducing hours, wages or both in order to avoid the employer**  
29 **responsibility penalty of the Patient Protection and Affordable Care Act (P.L. 111-148), as**  
30 **amended by the Health Care and Education Reconciliation Act (P.L. 111-152).**

31 (3) **Protect employees who receive medical assistance from retaliation by their employers**  
32 **for seeking or obtaining medical assistance.**

33 (4) **Pay the state's share of the costs of medical assistance provided to working adults**  
34 **who lack affordable employer-sponsored health insurance, improve reimbursement to the**  
35 **health care providers who care for these workers and support the safety net providers that**  
36 **care for the remaining uninsured workers.**

37 **SECTION 2. As used in sections 1 to 5 of this 2015 Act:**

38 (1) **"Covered employee" means an individual who meets all of the following conditions:**

39 (a) **The individual is an employee of a large employer.**

40 (b) **The individual is enrolled in medical assistance on the basis of the individual's modi-**  
41 **fied adjusted gross income in accordance with the Patient Protection and Affordable Care**  
42 **Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act (P.L.**  
43 **111-152).**

44 (c) **The individual is not enrolled in medical assistance by reason of a disability or being**  
45 **over 65 years of age.**

1 (2)(a) “Employer” means an employing unit as defined in ORS 657.020.

2 (b) An employer includes all of the members of a controlled group of corporations.

3 (c) As used in this subsection, a “controlled group of corporations” means a controlled  
4 group of corporations as defined in section 1563(a) of the Internal Revenue Code.

5 (3) “Fund” means the Employer Responsibility for Medical Assistance Trust Fund created  
6 in section 5 of this 2015 Act.

7 (4)(a) “Large employer” includes any employer employing for wages or salary 250 or more  
8 persons to work in this state during any calendar quarter in a year for which the employer  
9 responsibility penalty is calculated.

10 (b) “Large employer” does not include a public employer as defined in ORS 243.650.

11 (5) “Medical assistance” has the meaning given that term in ORS 414.025.

12 (6) “Safety net provider” means any provider of comprehensive primary care or acute  
13 hospital inpatient services that provides these services to a significant total number of  
14 medical assistance and medically indigent patients in relation to the total number of patients  
15 served by the provider.

16 (7) “Wages” means wages as defined in ORS 657.105 and paid directly to an individual by  
17 the individual’s employer.

18 **SECTION 3.** (1) Except as otherwise provided in section 4 of this 2015 Act, every large  
19 employer shall pay to the Employment Department an employer responsibility penalty for  
20 each covered employee, as determined under subsection (3) of this section.

21 (2) Each year the Department of Consumer and Business Services shall report to the  
22 Employment Department the average cost of a full year of coverage under a silver level  
23 health benefit plan offered through the health insurance exchange.

24 (3) For each large employer, the Employment Department shall:

25 (a) Multiply the amount reported by the Department of Consumer and Business Services  
26 in subsection (2) of this section by the number of the employer’s employees who are enrolled  
27 in the state medical assistance program;

28 (b) Multiply the product calculated in paragraph (a) of this subsection by 0.9; and

29 (c) Impose a employer responsibility penalty on the employer that is equal to the product  
30 calculated in paragraph (b) of this subsection.

31 (4) All moneys collected pursuant to this section shall be deposited in the Employer Re-  
32 sponsibility for Medical Assistance Trust Fund created in section 5 of this 2015 Act.

33 **SECTION 4.** (1) The Employment Department has the power and duties necessary to ad-  
34 minister the collection and enforcement of employer responsibility penalties required to be  
35 remitted by large employers under this section and section 3 of this 2015 Act.

36 (2) A large employer shall pay to the department, for deposit into the Employer Respon-  
37 sibility for Medical Assistance Trust Fund, any penalties imposed on the large employer  
38 pursuant to section 3 of this 2015 Act.

39 (3) The department shall annually send to each large employer subject to an employer  
40 responsibility penalty under section 3 of this 2015 Act a notice of any employer responsibility  
41 penalty imposed and the date on which payment is due. The amount of the penalty shall be-  
42 come conclusive and binding upon the employer unless, within 20 days after the mailing of  
43 the notice to the last-known address of the employer as shown on the records of the de-  
44 partment, or in the absence of mailing, within 20 days after the delivery of the notice, the  
45 employer files a request for hearing. Hearings shall be conducted in accordance with ORS

1 **chapter 183.**

2 (4) Interest shall be assessed on employer responsibility penalties not paid on or before  
3 payment is due at 10 percent per annum. Interest shall begin to accrue the day after the date  
4 the payment is due and shall be deposited into the Employer Responsibility for Medical As-  
5 sistance Trust Fund.

6 (5) If an employer responsibility penalty payment is more than 60 days overdue, a penalty  
7 equal to the interest charged as described in subsection (4) of this section shall be assessed  
8 and due for each month, or part thereof, that the employer responsibility penalty payment  
9 is not received. Penalties collected under this subsection shall be deposited in the Employer  
10 Responsibility for Medical Assistance Trust Fund.

11 (6) All penalties shall be paid to and collected by the department at such times and in  
12 such manner as the department may prescribe and upon collection shall be deposited in the  
13 Employer Responsibility for Medical Assistance Trust Fund.

14 (7) A large employer shall provide information to all newly hired and existing employees  
15 regarding the availability of medical assistance for low-income employees and regarding the  
16 employees' rights under section 7 of this 2015 Act. The department, in consultation with the  
17 Oregon Health Authority, shall develop a simple, uniform notice containing the information.

18 (8) Any employer that is assessed an employer responsibility penalty under section 3 of  
19 this 2015 Act is liable for the amount assessed.

20 **SECTION 5.** (1) The Employer Responsibility for Medical Assistance Trust Fund is hereby  
21 created in the State Treasury separate and distinct from the General Fund.

22 (2) The fund consists of moneys collected pursuant to this section and section 4 of this  
23 2015 Act.

24 (3) Moneys in the fund are appropriated to the Oregon Health Authority.

25 (4) Moneys in the fund shall be used for the following purposes:

26 (a) To provide payment for the state's share of medical assistance costs for covered  
27 employees.

28 (b) To increase reimbursement to health care providers located in health profession  
29 shortage areas or medically underserved areas as designated by the Office of Rural Health.  
30 The supplemental payments shall be for both fee-for-service medical assistance and care  
31 provided by coordinated care organizations.

32 (c) To make supplemental medical assistance payments to providers in practice settings  
33 in which 30 percent or more of the patients are medical assistance recipients or uninsured.

34 (d) To provide reimbursement to safety net providers that provide care without expecta-  
35 tion of compensation to those Oregonians who do not have minimum essential coverage as  
36 defined in 26 U.S.C. 5000A.

37 (e) To fund medical residency programs.

38 (5) All costs to implement and administer sections 1 to 5 and 6 of this 2015 Act shall be  
39 paid, upon appropriation by the Legislative Assembly, from moneys deposited in the fund,  
40 including any necessary costs incurred by the authority, the Employment Department or any  
41 other state government agency.

42 **SECTION 6.** (1) The Oregon Health Authority shall match Social Security numbers of  
43 individuals enrolled in the medical assistance program with information provided by the  
44 Employment Department to determine whether the individuals are covered employees as  
45 defined in section 2 of this 2015 Act.

1       **(2) The authority shall provide to the department information about employers who have**  
2 **employees who receive medical assistance in order to permit the department to determine**  
3 **and collect the employer responsibility penalty imposed pursuant to section 3 of this 2015**  
4 **Act.**

5       **(3) Any and all documents and records that result from matching records with or pro-**  
6 **viding information to the department shall be subject to the confidentiality requirements of**  
7 **ORS 413.171 and 657.665.**

8       **(4) This section shall not be construed to supersede the requirements and protections in**  
9 **ORS 192.586.**

10       **SECTION 7. (1) As used in this section:**

11       **(a) “Health insurance exchange” has the meaning give that term in ORS 741.300.**

12       **(b) “Large employer” has the meaning given that term in section 2 of this 2015 Act.**

13       **(c) “Medical assistance” has the meaning given that term in ORS 414.025.**

14       **(d) “Premium tax credits” means tax credits provided under section 36B of the Internal**  
15 **Revenue Code to a person who is enrolled in a qualified health plan through a health insur-**  
16 **ance exchange.**

17       **(2) It is an unlawful employment practice for a large employer to refuse to hire, dis-**  
18 **charge, demote, suspend, retaliate or otherwise discriminate against an employee who applies**  
19 **for or receives medical assistance or premium tax credits.**

20       **(3) An employee who alleges a violation of subsection (2) of this section may bring a civil**  
21 **action under ORS 659A.885 or may file a complaint with the Commissioner of the Bureau of**  
22 **Labor and Industries in the manner provided by ORS 659A.820.**

23       **SECTION 8. ORS 314.840 is amended to read:**

24       314.840. (1) The Department of Revenue may:

25       (a) Furnish any taxpayer, representative authorized to represent the taxpayer under ORS 305.230  
26 or person designated by the taxpayer under ORS 305.193, upon request of the taxpayer, represen-  
27 tative or designee, with a copy of the taxpayer’s income tax return filed with the department for  
28 any year, or with a copy of any report filed by the taxpayer in connection with the return, or with  
29 any other information the department considers necessary.

30       (b) Publish lists of taxpayers who are entitled to unclaimed tax refunds.

31       (c) Publish statistics so classified as to prevent the identification of income or any particulars  
32 contained in any report or return.

33       (d) Disclose a taxpayer’s name, address, telephone number, refund amount, amount due, Social  
34 Security number, employer identification number or other taxpayer identification number to the ex-  
35 tent necessary in connection with collection activities or the processing and mailing of correspond-  
36 ence or of forms for any report, return or claim required in the administration of ORS 310.630 to  
37 310.706, any local tax under ORS 305.620, or any law imposing a tax upon or measured by net in-  
38 come.

39       **(2) The department also may disclose and give access to information described in ORS 314.835**  
40 **to:**

41       (a) The Governor of the State of Oregon or the authorized representative of the Governor with  
42 respect to an individual who is designated as being under consideration for appointment or reap-  
43 pointment to an office or for employment in the office of the Governor. The information disclosed  
44 shall be confined to whether the individual:

45       (A) Has filed returns with respect to the taxes imposed by ORS chapter 316 for those of not

1 more than the three immediately preceding years for which the individual was required to file an  
2 Oregon individual income tax return.

3 (B) Has failed to pay any tax within 30 days from the date of mailing of a deficiency notice or  
4 otherwise respond to a deficiency notice within 30 days of its mailing.

5 (C) Has been assessed any penalty under the Oregon personal income tax laws and the nature  
6 of the penalty.

7 (D) Has been or is under investigation for possible criminal offenses under the Oregon personal  
8 income tax laws. Information disclosed pursuant to this paragraph shall be used only for the purpose  
9 of making the appointment, reappointment or decision to employ or not to employ the individual in  
10 the office of the Governor.

11 (b) An officer or employee of the Oregon Department of Administrative Services duly authorized  
12 or employed to prepare revenue estimates, or a person contracting with the Oregon Department of  
13 Administrative Services to prepare revenue estimates, in the preparation of revenue estimates re-  
14 quired for the Governor's budget under ORS 291.201 to 291.226, or required for submission to the  
15 Emergency Board or the Joint Interim Committee on Ways and Means, or if the Legislative As-  
16 sembly is in session, to the Joint Committee on Ways and Means, and to the Legislative Revenue  
17 Officer or Legislative Fiscal Officer under ORS 291.342, 291.348 and 291.445. The Department of  
18 Revenue shall disclose and give access to the information described in ORS 314.835 for the purposes  
19 of this paragraph only if:

20 (A) The request for information is made in writing, specifies the purposes for which the request  
21 is made and is signed by an authorized representative of the Oregon Department of Administrative  
22 Services. The form for request for information shall be prescribed by the Oregon Department of  
23 Administrative Services and approved by the Director of the Department of Revenue.

24 (B) The officer, employee or person receiving the information does not remove from the premises  
25 of the Department of Revenue any materials that would reveal the identity of a personal or corpo-  
26 rate taxpayer.

27 (c) The Commissioner of Internal Revenue or authorized representative, for tax administration  
28 and compliance purposes only.

29 (d) For tax administration and compliance purposes, the proper officer or authorized represen-  
30 tative of any of the following entities that has or is governed by a provision of law that meets the  
31 requirements of any applicable provision of the Internal Revenue Code as to confidentiality:

32 (A) A state;

33 (B) A city, county or other political subdivision of a state;

34 (C) The District of Columbia; or

35 (D) An association established exclusively to provide services to federal, state or local taxing  
36 authorities.

37 (e) The Multistate Tax Commission or its authorized representatives, for tax administration and  
38 compliance purposes only. The Multistate Tax Commission may make the information available to  
39 the Commissioner of Internal Revenue or the proper officer or authorized representative of any  
40 governmental entity described in and meeting the qualifications of paragraph (d) of this subsection.

41 (f) The Attorney General, assistants and employees in the Department of Justice, or other legal  
42 representative of the State of Oregon, to the extent the department deems disclosure or access  
43 necessary for the performance of the duties of advising or representing the department pursuant to  
44 ORS 180.010 to 180.240 and the tax laws of this state.

45 (g) Employees of the State of Oregon, other than of the Department of Revenue or Department

1 of Justice, to the extent the department deems disclosure or access necessary for such employees  
2 to perform their duties under contracts or agreements between the department and any other de-  
3 partment, agency or subdivision of the State of Oregon, in the department's administration of the  
4 tax laws.

5 (h) Other persons, partnerships, corporations and other legal entities, and their employees, to  
6 the extent the department deems disclosure or access necessary for the performance of such others'  
7 duties under contracts or agreements between the department and such legal entities, in the  
8 department's administration of the tax laws.

9 (i) The Legislative Revenue Officer or authorized representatives upon compliance with ORS  
10 173.850. Such officer or representative shall not remove from the premises of the department any  
11 materials that would reveal the identity of any taxpayer or any other person.

12 (j) The Department of Consumer and Business Services, to the extent the department requires  
13 such information to determine whether it is appropriate to adjust those workers' compensation  
14 benefits the amount of which is based pursuant to ORS chapter 656 on the amount of wages or  
15 earned income received by an individual.

16 (k) Any agency of the State of Oregon, or any person, or any officer or employee of such agency  
17 or person to whom disclosure or access is given by state law and not otherwise referred to in this  
18 section, including but not limited to the Secretary of State as Auditor of Public Accounts under  
19 section 2, Article VI of the Oregon Constitution; the Department of Human Services pursuant to  
20 ORS 314.860 and 412.094; the Division of Child Support of the Department of Justice and district  
21 attorney regarding cases for which they are providing support enforcement services under ORS  
22 25.080; the State Board of Tax Practitioners, pursuant to ORS 673.710; and the Oregon Board of  
23 Accountancy, pursuant to ORS 673.415.

24 (L) The Director of the Department of Consumer and Business Services to determine that a  
25 person complies with ORS chapter 656 and the Director of the Employment Department to determine  
26 that a person complies with ORS chapter 657, the following employer information:

27 (A) Identification numbers.

28 (B) Names and addresses.

29 (C) Inception date as employer.

30 (D) Nature of business.

31 (E) Entity changes.

32 (F) Date of last payroll.

33 (m) The Director of the Oregon Health Authority to determine that a person has the ability to  
34 pay for care that includes services provided by the Blue Mountain Recovery Center or the Oregon  
35 State Hospital or the Oregon Health Authority to collect any unpaid cost of care as provided by  
36 ORS chapter 179.

37 (n) Employees of the Employment Department to the extent the Department of Revenue deems  
38 disclosure or access to information on a combined tax report filed under ORS 316.168 is necessary  
39 to performance of their duties in administering the tax imposed by ORS chapter 657.

40 (o) The State Fire Marshal to assist the State Fire Marshal in carrying out duties, functions and  
41 powers under ORS 453.307 to 453.414, the employer or agent name, address, telephone number and  
42 standard industrial classification, if available.

43 (p) Employees of the Department of State Lands for the purposes of identifying, locating and  
44 publishing lists of taxpayers entitled to unclaimed refunds as required by the provisions of chapter  
45 694, Oregon Laws 1993. The information shall be limited to the taxpayer's name, address and the

1 refund amount.

2 (q) In addition to the disclosure allowed under ORS 305.225, state or local law enforcement  
3 agencies to assist in the investigation or prosecution of the following criminal activities:

4 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited  
5 to the stolen document, the name, address and taxpayer identification number of the payee, the  
6 amount of the check and the date printed on the check.

7 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department  
8 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information  
9 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-  
10 dress and taxpayer identification number of the payee, the amount of the check, the date printed  
11 on the check and the altered name and address.

12 (r) The United States Postal Inspection Service or a federal law enforcement agency, including  
13 but not limited to the United States Department of Justice, to assist in the investigation of the fol-  
14 lowing criminal activities:

15 (A) Mail theft of a check, in which case the information that may be disclosed shall be limited  
16 to the stolen document, the name, address and taxpayer identification number of the payee, the  
17 amount of the check and the date printed on the check.

18 (B) The counterfeiting, forging or altering of a check submitted by a taxpayer to the Department  
19 of Revenue or issued by the Department of Revenue to a taxpayer, in which case the information  
20 that may be disclosed shall be limited to the counterfeit, forged or altered document, the name, ad-  
21 dress and taxpayer identification number of the payee, the amount of the check, the date printed  
22 on the check and the altered name and address.

23 (s) The United States Financial Management Service, for purposes of facilitating the offsets de-  
24 scribed in ORS 305.612.

25 (t) A municipal corporation of this state for purposes of assisting the municipal corporation in  
26 the administration of a tax of the municipal corporation that is imposed on or measured by income,  
27 wages or net earnings from self-employment. Any disclosure under this paragraph may be made only  
28 pursuant to a written agreement between the Department of Revenue and the municipal corporation  
29 that ensures the confidentiality of the information disclosed.

30 (u) A consumer reporting agency, to the extent necessary to carry out the purposes of ORS  
31 314.843.

32 (v) The Public Employees Retirement Board, to the extent necessary to carry out the purposes  
33 of ORS 238.372 to 238.384, and to any public employer, to the extent necessary to carry out the  
34 purposes of ORS 237.635 (3) and 237.637 (2).

35 **(w) The Employment Department, to the extent necessary to carry out sections 1 to 5**  
36 **of this 2015 Act.**

37 (3)(a) Each officer or employee of the department and each person described or referred to in  
38 subsection (2)(a), (b), (f) to (L), [or] (n) to (q) **or (w)** of this section to whom disclosure or access to  
39 the tax information is given under subsection (2) of this section or any other provision of state law,  
40 prior to beginning employment or the performance of duties involving such disclosure or access,  
41 shall be advised in writing of the provisions of ORS 314.835 and 314.991, relating to penalties for the  
42 violation of ORS 314.835, and shall as a condition of employment or performance of duties execute  
43 a certificate for the department, in a form prescribed by the department, stating in substance that  
44 the person has read these provisions of law, that the person has had them explained and that the  
45 person is aware of the penalties for the violation of ORS 314.835.

1 (b) The disclosure authorized in subsection (2)(r) of this section shall be made only after a  
2 written agreement has been entered into between the Department of Revenue and the person de-  
3 scribed in subsection (2)(r) of this section to whom disclosure or access to the tax information is  
4 given, providing that:

5 (A) Any information described in ORS 314.835 that is received by the person pursuant to sub-  
6 section (2)(r) of this section is confidential information that may not be disclosed, except to the ex-  
7 tent necessary to investigate or prosecute the criminal activities described in subsection (2)(r) of  
8 this section;

9 (B) The information shall be protected as confidential under applicable federal and state laws;  
10 and

11 (C) The United States Postal Inspection Service or the federal law enforcement agency shall  
12 give notice to the Department of Revenue of any request received under the federal Freedom of In-  
13 formation Act, 5 U.S.C. 552, or other federal law relating to the disclosure of information.

14 (4) The Department of Revenue may recover the costs of furnishing the information described  
15 in subsection (2)(L), (m), [and] (o) to (q) **and (w)** of this section from the respective agencies.

16 **SECTION 9.** ORS 657.601 is amended to read:

17 657.601. There is established an Employment Department. The department shall:

18 (1) Administer the unemployment insurance laws of this state to support Oregonians during pe-  
19 riods of unemployment;

20 (2) Provide for the operation of a statewide employment service, including the establishment and  
21 maintenance of a system of public employment offices to promote employment of Oregonians;

22 (3) Provide oversight, operation and management of a statewide comprehensive labor market and  
23 occupational supply and demand information system to assist in the development of a diversified,  
24 multiskilled workforce; [and]

25 (4) Provide child care advocacy, coordination of child care policy and planning, technical as-  
26 sistance to child care providers and certification of child care facilities to assist the employment  
27 of Oregonians and insure the health and well-being of the future workforce; **and**

28 **(5) Administer sections 1 to 5 of this 2015 Act.**

29 **SECTION 10.** ORS 657.610 is amended to read:

30 657.610. The Director of the Employment Department may:

31 (1) For purposes of administration and control, and with the approval of the Governor, organize  
32 and reorganize the department in whatever manner the director considers appropriate to carry out  
33 the duties, functions and powers of the department.

34 (2) Appoint all subordinate officers and employees of the department, whether classified or un-  
35 classified, and prescribe their duties and compensation, subject to applicable provisions of the State  
36 Personnel Relations Law.

37 (3) Delegate to departmental officers and employees such responsibility and authority as the  
38 director determines necessary.

39 (4)(a) Determine all questions of general policy for this chapter [and ORS chapter 657A] **and**  
40 **sections 1 to 5 of this 2015 Act;**

41 (b) Adopt rules for this chapter [and ORS chapter 657A] **and sections 1 to 5 of this 2015 Act;**  
42 and

43 (c) Administer and enforce this chapter [and ORS chapter 657A] **and sections 1 to 5 of this**  
44 **2015 Act.**

45 (5) Sue and be sued in the name of the director, and shall have a seal bearing the name of the

1 Employment Department.

2 (6) Adopt proper rules to regulate the mode and manner of all investigations.

3 (7) Prescribe the time, place and manner of making claims for benefits under this chapter, the  
4 kind and character of notices required thereunder and the procedure for investigating and deciding  
5 claims.

6 (8) Enter into contracts relating to the federal Workforce Investment Act deemed necessary by  
7 the director to fulfill the mission of the department. The director may enter into contracts with  
8 other states or governments, public bodies or persons to provide or receive services. Contracts en-  
9 tered into by the director shall be executed in the name of the state, by and through the Employ-  
10 ment Department.

11 **SECTION 11.** ORS 657.625 is amended to read:

12 657.625. (1) The Director of the Employment Department shall cause to be printed in proper form  
13 for distribution the classification, rates, rules[, *regulations*] and rules of procedure and furnish the  
14 same to any person upon application [*therefor*]. The fact that such classifications, rates, rules[,  
15 *regulations*] and rules of procedure are printed ready for distribution to all who apply for the  
16 same[,] shall be a sufficient publication of the same as required by this chapter **and sections 1 to**  
17 **5 of this 2015 Act.**

18 (2) The director may also publish from time to time any special reports of the results of any  
19 investigation which the director may have conducted.

20 (3) The director shall publish in suitable form information concerning the rights of employees  
21 under this chapter **and section 7 of this 2015 Act** and such other information [*concerning this*  
22 *chapter and the regulations pursuant thereto*] as the director considers suitable and proper, and re-  
23 quire every employer to post [*such*] **the** publications at the place of employment of the employer.

24 **SECTION 12.** ORS 657.630 is amended to read:

25 657.630. The Director of the Employment Department may act in the director's own behalf or  
26 by any of the duly authorized agents or assistants of the director in the following:

27 (1) To hold sessions at any place within the state.

28 (2) To administer oaths.

29 (3) To issue and serve by the director's representative, or by any sheriff, subpoenas for the at-  
30 tendance of witnesses and the production of papers, contracts, books, accounts, documents and tes-  
31 timony. The director may require the attendance and testimony of employers, their officers and  
32 representatives before any hearing of the director and the production by employers of books, re-  
33 cords, papers and documents without payment or tender of witness fees on account of that attend-  
34 ance.

35 (4) Generally to provide for the taking of testimony and for the recording of proceedings held  
36 in accordance with this chapter **and sections 1 to 5 of this 2015 Act.**

37 **SECTION 13.** ORS 657.635 is amended to read:

38 657.635. The circuit court for any county or the judge thereof, on application of the Director  
39 of the Employment Department or any of the assistants of the director, shall compel obedience to  
40 subpoenas issued and served pursuant to ORS 657.630 and punish disobedience of any such subpoena  
41 or any refusal to testify at any session authorized in this chapter **or sections 1 to 5 of this 2015**  
42 **Act**, or to answer any lawful inquiry of said director or any of the assistants of the director, in the  
43 same manner as a refusal to testify in the circuit court or the disobedience of the requirements of  
44 a subpoena issued from said court is punished.

45 **SECTION 14.** ORS 657.640 is amended to read:

1 657.640. Upon request of the Director of the Employment Department, the Attorney General or,  
2 under the direction of the Attorney General, the district attorney of any county[,] shall institute or  
3 prosecute actions or proceedings for the enforcement of this chapter **and sections 1 to 5 of this**  
4 **2015 Act**, when such actions or proceedings are within the county in which such district attorney  
5 was elected, and shall defend in like manner all suits, actions and proceedings brought against the  
6 director in the official capacity of the director.

7 **SECTION 15.** ORS 657.646 is amended to read:

8 657.646. In any case in which a judgment is rendered in favor of the Employment Department  
9 for amounts due under this chapter **and sections 1 to 5 of this 2015 Act**, the Director of the Em-  
10 ployment Department may issue a warrant to collect the amount of the judgment.

11 **SECTION 16.** ORS 657.660 is amended to read:

12 657.660. (1) Every employing unit shall keep true and accurate records of all persons employed  
13 by it and such records of hours worked, wages paid and other statistics as prescribed by the Di-  
14 rector of the Employment Department for the administration of this chapter **and sections 1 to 5**  
15 **of this 2015 Act.**

16 (2) Such records shall be open to inspection by the director or an authorized representative of  
17 the director at any reasonable time. No person shall refuse to allow the director or authorized  
18 representative to inspect the payroll or other records or documents relative to the enforcement of  
19 this chapter **and sections 1 to 5 of this 2015 Act.**

20 (3) The director may require from any employing unit such reports on the wages, hours, em-  
21 ployment, unemployment and related matters concerning its employees as the director deems nec-  
22 essary to the effective administration of this chapter **and sections 1 to 5 of this 2015 Act.**

23 (4) Every employing unit shall fully, correctly and promptly furnish the director all information  
24 required by the director to carry out the purposes and provisions of this chapter **and sections 1**  
25 **to 5 of this 2015 Act.**

26 **SECTION 17.** ORS 657.665, as amended by section 1, chapter 26, Oregon Laws 2014, is amended  
27 to read:

28 657.665. (1) Except as provided in subsections (2) to (5) of this section, all information in the  
29 records of the Employment Department pertaining to the administration of the unemployment in-  
30 surance, employment service and labor market information programs **and sections 1 to 5 of this**  
31 **2015 Act:**

32 (a) Is confidential and for the exclusive use and information of the Director of the Employment  
33 Department in administering the unemployment insurance, employment service and labor market  
34 information programs in Oregon **and sections 1 to 5 of this 2015 Act.**

35 (b) May not be used in any court action or in any proceeding pending in the court unless the  
36 director or the state is a party to the action or proceeding or unless the proceeding concerns the  
37 establishment, enforcement or modification of a support obligation and support services are being  
38 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

39 (c) Is exempt from disclosure under ORS 192.410 to 192.505.

40 (2) The Employment Department shall disclose information:

41 (a) To any claimant or legal representative, at a hearing before an administrative law judge, to  
42 the extent necessary for the proper presentation of an unemployment insurance claim.

43 (b) Upon request to the United States Secretary of Labor. The Employment Department shall  
44 disclose the information in a form and containing the information that the United States Secretary  
45 of Labor may require. The information disclosed is confidential and may not be used for any other

1 purpose.

2 (c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the  
3 United States charged with the administration of public works or assistance through public em-  
4 ployment. Under this paragraph, the Employment Department shall disclose the name, address, or-  
5 dinary occupation and employment status of each recipient of unemployment insurance benefits and  
6 a statement of the recipient's right to further benefits under this chapter. The information disclosed  
7 is confidential and may not be used for any other purpose.

8 (d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.  
9 Under this paragraph, the Employment Department shall disclose unemployment insurance records.  
10 The information disclosed is confidential and may not be used for any other purpose. The costs of  
11 disclosing information under this paragraph shall be paid by the board.

12 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees  
13 of the United States Department of Agriculture and to officers or employees of any state Supple-  
14 mental Nutrition Assistance Program agency for the purpose of determining an individual's eligibil-  
15 ity for or the amount of supplemental nutrition assistance. The information disclosed is confidential  
16 and may not be used for any other purpose. The costs of disclosing information under this paragraph  
17 shall be paid by the United States Department of Agriculture.

18 (f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child  
19 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-  
20 curity Act for the purposes of establishing child support obligations, locating individuals owing child  
21 support obligations and collecting child support obligations from those individuals. The information  
22 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-  
23 mation under this paragraph shall be paid by the child support enforcement agency.

24 (g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in  
25 the income and eligibility verification system for the purpose of verifying an individual's eligibility  
26 for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for  
27 needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security  
28 Income, child support enforcement or Social Security programs. The information disclosed is confi-  
29 dential and may not be used for any other purpose. The costs of disclosing information under this  
30 paragraph shall be paid by the requesting agency.

31 (h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal  
32 Unemployment Tax Act, to the United States Department of Health and Human Services National  
33 Directory of New Hires. The information disclosed is confidential and may not be used for any other  
34 purpose. The costs of disclosing information under this paragraph shall be paid by the United States  
35 Department of Health and Human Services.

36 (i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United  
37 States Department of Housing and Urban Development and to representatives of a public housing  
38 agency for the purpose of determining an individual's eligibility for benefits, or the amount of ben-  
39 efits, under a housing assistance program of the United States Department of Housing and Urban  
40 Development. The information disclosed is confidential and may not be used for any other purpose.  
41 The costs of disclosing information under this paragraph shall be paid by the United States De-  
42 partment of Housing and Urban Development or the public housing agency.

43 (j) Pursuant to regulations of the United States Secretary of Health and Human Services issued  
44 under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by sec-  
45 tion 303 of the Social Security Act, to the state, a political subdivision or a federally recognized

1 Indian tribe that has signed an agreement with the Department of Human Services to administer  
2 Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility  
3 for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the  
4 Social Security Act. The information disclosed is confidential and may not be used for any other  
5 purpose.

6 (k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment  
7 Department may disclose an individual's employment and wage information in response to a federal  
8 grand jury subpoena or for the purpose of collecting civil and criminal judgments, including  
9 restitution and special assessment fees. The information disclosed is confidential and may not be  
10 used for any other purpose. The costs of disclosing information under this paragraph shall be paid  
11 by the United States Attorney's Office.

12 (3) The Employment Department may disclose information secured from employing units:

13 (a) To agencies of this state, federal agencies and local government agencies to the extent nec-  
14 essary to properly carry out governmental planning, performance measurement, program analysis,  
15 socioeconomic analysis and policy analysis functions performed under applicable law. The informa-  
16 tion disclosed is confidential and may not be disclosed by the agencies in any manner that would  
17 identify individuals, claimants, employees or employing units. If the information disclosed under this  
18 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the  
19 information shall be paid by the agency requesting the information.

20 (b) As part of a geographic information system. Points on a map may be used to represent eco-  
21 nomic data, including the location, employment size class and industrial classification of businesses  
22 in Oregon. Information presented as part of a geographic information system may not give specific  
23 details regarding a business's address, actual employment or proprietary information. If the infor-  
24 mation disclosed under this paragraph is not prepared for the use of the Employment Department,  
25 the costs of disclosing the information shall be paid by the party requesting the information.

26 (c) In accordance with ORS 657.673.

27 (4) The Employment Department may:

28 (a) Disclose information to public employees in the performance of their duties under state or  
29 federal laws relating to the payment of unemployment insurance benefits, the provision of employ-  
30 ment services and the provision of labor market information.

31 (b) At the discretion of the Director of the Employment Department and subject to an intera-  
32 gency agreement, disclose information to public officials in the performance of their official duties  
33 administering or enforcing laws within their authority and to the agents or contractors of public  
34 officials. The public official shall agree to assume responsibility for misuse of the information by  
35 the official's agent or contractor.

36 (c) Disclose information pursuant to an informed consent, received from an employer or claim-  
37 ant, to disclose the information.

38 (d) Disclose information to partners under the federal Workforce Investment Act of 1998 for the  
39 purpose of administering state workforce programs under the Act. The information disclosed is  
40 confidential and may not be used for any other purpose. The costs of disclosing information under  
41 this paragraph shall be paid by the requesting partner.

42 (e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries  
43 for the purpose of disseminating information to employing units. The names and addresses disclosed  
44 are confidential and may not be used for any other purpose. If the information disclosed under this  
45 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the

1 information shall be paid by the bureau.

2 (f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the  
3 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to  
4 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-  
5 dresses of employers and employees and payroll data of employers and employees. The information  
6 disclosed is confidential and may not be used for any other purpose. If the information disclosed  
7 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-  
8 closing the information shall be paid by the bureau.

9 (g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-  
10 tirement System for the purpose of determining the eligibility of members of the retirement system  
11 for disability retirement allowances under ORS chapter 238. The information disclosed is confiden-  
12 tial and may not be used for any other purpose. The costs of disclosing information under this par-  
13 agraph shall be paid by the Public Employees Retirement System.

14 (h) Disclose to the Oregon Business Development Commission information required by the com-  
15 mission in performing its duty under ORS 285A.050 to verify changes in employment levels following  
16 direct employer participation in Oregon Business Development Department programs or indirect  
17 participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to  
18 the commission may include an employer's employment level, total subject wages payroll and whole  
19 hours worked. The information disclosed is confidential and may not be used for any other purpose.  
20 The commission may not disclose the information in any manner that would identify an employing  
21 unit or employee except to the extent necessary to carry out the commission's duty under ORS  
22 285A.050. If the information disclosed under this paragraph is not prepared for the use of the Em-  
23 ployment Department, the costs of disclosing the information shall be paid by the commission.

24 (i) Disclose information to the Department of Revenue for the purpose of performing its duties  
25 under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may  
26 include the names and addresses of employers and employees and payroll data of employers and  
27 employees. The information disclosed is confidential and may not be disclosed by the Department  
28 of Revenue in any manner that would identify an employing unit or employee except to the extent  
29 necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any  
30 report or return required or permitted to be filed under the revenue and tax laws administered by  
31 the department. The Department of Revenue may not disclose any information received to any pri-  
32 vate collection agency or for any other purpose. If the information disclosed under this paragraph  
33 is not prepared for the use of the Employment Department, the costs of disclosing the information  
34 shall be paid by the Department of Revenue.

35 (j) Disclose information to the Department of Consumer and Business Services for the purpose  
36 of performing its duties under ORS chapters 654 and 656. The information disclosed may include the  
37 name, address, number of employees and industrial classification code of an employer and payroll  
38 data of employers and employees. The information disclosed is confidential and may not be disclosed  
39 by the Department of Consumer and Business Services in any manner that would identify an em-  
40 ploying unit or employee except to the extent necessary to carry out the department's duties under  
41 ORS chapters 654 and 656, including administrative hearings and court proceedings in which the  
42 Department of Consumer and Business Services is a party. If the information disclosed under this  
43 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the  
44 information shall be paid by the Department of Consumer and Business Services.

45 (k) Disclose information to the Construction Contractors Board for the purpose of performing

1 its duties under ORS chapter 701. The information disclosed to the board may include the names and  
2 addresses of employers and status of their compliance with this chapter. If the information disclosed  
3 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-  
4 closing the information shall be paid by the board.

5 (L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying  
6 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,  
7 telephone number and industrial classification code of an employer. The information disclosed is  
8 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify  
9 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.  
10 If the information disclosed under this paragraph is not prepared for the use of the Employment  
11 Department, the costs of disclosing the information shall be paid by the office of the State Fire  
12 Marshal.

13 (m) Disclose information to the Higher Education Coordinating Commission for the purpose of  
14 performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education  
15 Act of 1965. The information disclosed may include the names and addresses of employers and em-  
16 ployees and payroll data of employers and employees. The information disclosed is confidential and  
17 may not be disclosed by the commission in any manner that would identify an employing unit or  
18 employee except to the extent necessary to carry out the commission's duties under ORS chapter  
19 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this para-  
20 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-  
21 mation shall be paid by the commission.

22 (n) Disclose information to the Department of Transportation to assist the Department of  
23 Transportation in carrying out the duties of the Department of Transportation relating to collection  
24 of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.666, 184.670 to 184.733  
25 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include  
26 the names and addresses of employers and employees and payroll data of employers and employees.  
27 The information disclosed is confidential and may not be disclosed by the Department of Transpor-  
28 tation in any manner that would identify an employing unit or employee except to the extent nec-  
29 essary to carry out the Department of Transportation's duties relating to collection of delinquent  
30 and liquidated debts or in auditing or reviewing any report or return required or permitted to be  
31 filed under the revenue and tax laws administered by the Department of Transportation. The De-  
32 partment of Transportation may not disclose any information received to any private collection  
33 agency or for any other purpose. If the information disclosed under this paragraph is not prepared  
34 for the use of the Employment Department, the costs of disclosing the information shall be paid by  
35 the Department of Transportation.

36 (o) Disclose information to the Department of Human Services and the Oregon Health Authority  
37 to **enable the Employment Department to administer sections 1 to 5 of this 2015 Act and to**  
38 assist the Department of Human Services and the Oregon Health Authority in the collection of debts  
39 that the Department of Human Services and the Oregon Health Authority are authorized by law to  
40 collect. The information disclosed may include the names, addresses and payroll data of employers  
41 and employees. The information disclosed is confidential and may not be disclosed by the Depart-  
42 ment of Human Services or the Oregon Health Authority in a manner that would identify an em-  
43 ploying unit or employee except to the extent necessary for the *[collection of debts as]* **purposes**  
44 described in this paragraph. The Department of Human Services and the Oregon Health Authority  
45 may not disclose information received under this paragraph to a private collection agency or use

1 the information for a purpose other than the [*collection of debts as*] **purposes** described in this par-  
 2 agraph. If the information disclosed under this paragraph is not prepared for the use of the Em-  
 3 ployment Department, the costs of disclosing the information shall be paid by the Department of  
 4 Human Services or the Oregon Health Authority.

5 (p) Disclose to the Alcohol and Drug Policy Commission information required by the commission  
 6 in evaluating and measuring the performance of alcohol and drug prevention and treatment pro-  
 7 grams under ORS 430.242 or the impact of the programs on employment. The information disclosed  
 8 to the commission may include total subject wages payroll and whole hours worked. The information  
 9 disclosed under this paragraph is confidential and may not be used for any other purpose. The  
 10 commission may not disclose the information in any manner that would identify an employing unit  
 11 or employee except to the extent necessary to carry out the commission's duties under ORS 430.242.  
 12 If the information disclosed under this paragraph is not prepared for the use of the Employment  
 13 Department, the costs of disclosing the information shall be paid by the commission.

14 (q) Disclose to any person establishment level information secured pursuant to this chapter from  
 15 federal, state and local government employing units. If the information disclosed under this para-  
 16 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-  
 17 mation shall be paid by the party requesting the information.

18 (r) Disclose to any person the industrial classification code assigned to an employing unit. If the  
 19 information disclosed under this paragraph is not prepared for the use of the Employment Depart-  
 20 ment, the costs of disclosing the information shall be paid by the party requesting the information.

21 (5) The Employment Department may make public all decisions of the Employment Appeals  
 22 Board.

23 (6) Any officer appointed by or any employee of the Director of the Employment Department  
 24 who discloses confidential information, except with the authority of the director, pursuant to rules  
 25 or as otherwise required by law, may be disqualified from holding any appointment or employment  
 26 with the Employment Department.

27 (7) Any person or any officer or employee of an entity to whom information is disclosed by the  
 28 Employment Department under this section who divulges or uses the information for any purpose  
 29 other than that specified in the provision of law or agreement authorizing the use or disclosure may  
 30 be disqualified from performing any service under contract or disqualified from holding any ap-  
 31 pointment or employment with the state agency that engaged or employed that person, officer or  
 32 employee. The Employment Department may immediately cancel or modify any information sharing  
 33 agreement with an entity when a person or an officer or employee of that entity discloses confi-  
 34 dential information, other than as specified in law or agreement.

35 **SECTION 18.** ORS 659A.885 is amended to read:

36 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
 37 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
 38 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
 39 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
 40 court may order back pay in an action under this subsection only for the two-year period imme-  
 41 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
 42 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
 43 year period immediately preceding the filing of the action. In any action under this subsection, the  
 44 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
 45 cept as provided in subsection (3) of this section:

1 (a) The judge shall determine the facts in an action under this subsection; and

2 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
3 review the judgment pursuant to the standard established by ORS 19.415 (3).

4 (2) An action may be brought under subsection (1) of this section alleging a violation of ORS  
5 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 476.574, 652.355, 653.060, 659A.030,  
6 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145,  
7 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233,  
8 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315,  
9 659A.318, 659A.320 or 659A.421 **or section 7 of this 2015 Act.**

10 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
11 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199,  
12 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318 or 659A.421:

13 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
14 compensatory damages or \$200, whichever is greater, and punitive damages;

15 (b) At the request of any party, the action shall be tried to a jury;

16 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
17 ment pursuant to the standard established by ORS 19.415 (1); and

18 (d) Any attorney fee agreement shall be subject to approval by the court.

19 (4) In any action under subsection (1) of this section alleging a violation of ORS 652.355 or  
20 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section,  
21 compensatory damages or \$200, whichever is greater.

22 (5) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574,  
23 659A.203 or 659A.218, the court may award, in addition to the relief authorized under subsection (1)  
24 of this section, compensatory damages or \$250, whichever is greater.

25 (6) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
26 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
27 penalty in the amount of \$720.

28 (7) Any individual against whom any distinction, discrimination or restriction on account of  
29 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual  
30 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS  
31 659A.400, by any employee or person acting on behalf of the place or by any person aiding or  
32 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator  
33 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor  
34 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-  
35 section:

36 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
37 compensatory and punitive damages;

38 (b) The operator or manager of the place of public accommodation, the employee or person  
39 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
40 damages awarded in the action;

41 (c) At the request of any party, the action shall be tried to a jury;

42 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

43 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
44 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
45 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;

1 and

2 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
3 judgment pursuant to the standard established by ORS 19.415 (1).

4 (8) When the commissioner or the Attorney General has reasonable cause to believe that a  
5 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
6 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
7 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
8 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
9 manner as a person or group of persons may file a civil action under this section. In a civil action  
10 filed under this subsection, the court may assess against the respondent, in addition to the relief  
11 authorized under subsections (1) and (3) of this section, a civil penalty:

12 (a) In an amount not exceeding \$50,000 for a first violation; and

13 (b) In an amount not exceeding \$100,000 for any subsequent violation.

14 (9) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
15 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
16 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
17 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
18 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
19 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
20 appealing an adverse decision of the trial court.

21 (10) In an action under subsection (1) or (8) of this section alleging a violation of ORS 659A.145  
22 or 659A.421 or discrimination under federal housing law:

23 (a) "Aggrieved person" includes a person who believes that the person:

24 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

25 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
26 occur.

27 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
28 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
29 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
30 party costs and reasonable attorney fees at trial and on appeal.

31 **SECTION 19.** Section 2 of this 2015 Act is amended to read:

32 **Sec. 2.** As used in sections 1 to 5 of this 2015 Act:

33 (1) "Covered employee" means an individual who meets all of the following conditions:

34 (a) The individual is an employee of a large employer.

35 (b) The individual is enrolled in medical assistance on the basis of the individual's modified ad-  
36 justed gross income in accordance with the Patient Protection and Affordable Care Act (P.L.  
37 111-148), as amended by the Health Care and Education Reconciliation Act (P.L. 111-152).

38 (c) The individual is not enrolled in medical assistance by reason of a disability or being over  
39 65 years of age.

40 (2)(a) "Employer" means an employing unit as defined in ORS 657.020.

41 (b) An employer includes all of the members of a controlled group of corporations.

42 (c) As used in this subsection, a "controlled group of corporations" means a controlled group  
43 of corporations as defined in section 1563(a) of the Internal Revenue Code.

44 (3) "Fund" means the Employer Responsibility for Medical Assistance Trust Fund created in  
45 section 5 of this 2015 Act.

1 (4)(a) “Large employer” includes any employer employing for wages or salary [250] 100 or more  
2 persons to work in this state during any calendar quarter in a year for which the employer re-  
3 sponsibility penalty is calculated; and

4 (b) “Large employer” does not include a public employer as defined in ORS 243.650.

5 (5) “Medical assistance” has the meaning given that term in ORS 414.025.

6 (6) “Safety net provider” means any provider of comprehensive primary care or acute hospital  
7 inpatient services that provides these services to a significant total number of medical assistance  
8 and medically indigent patients in relation to the total number of patients served by the provider.

9 (7) “Wages” means wages as defined in ORS 657.105 and paid directly to an individual by the  
10 individual’s employer.

11 **SECTION 20.** Section 2 of this 2015 Act, as amended by section 19 of this 2015 Act, is amended  
12 to read:

13 **Sec. 2.** As used in sections 1 to 5 of this 2015 Act:

14 (1) “Covered employee” means an individual who meets all of the following conditions:

15 (a) The individual is an employee of a large employer.

16 (b) The individual is enrolled in medical assistance on the basis of the individual’s modified ad-  
17 justed gross income in accordance with the Patient Protection and Affordable Care Act (P.L.  
18 111-148), as amended by the Health Care and Education Reconciliation Act (P.L. 111-152).

19 (c) The individual is not enrolled in medical assistance by reason of a disability or being over  
20 65 years of age.

21 (2)(a) “Employer” means an employing unit as defined in ORS 657.020.

22 (b) An employer includes all of the members of a controlled group of corporations.

23 (c) As used in this subsection, a “controlled group of corporations” means a controlled group  
24 of corporations as defined in section 1563(a) of the Internal Revenue Code.

25 (3) “Fund” means the Employer Responsibility for Medical Assistance Trust Fund created in  
26 section 5 of this 2015 Act.

27 (4)(a) “Large employer” includes any employer employing for wages or salary [100] 50 or more  
28 persons to work in this state during any calendar quarter in a year for which the employer re-  
29 sponsibility penalty is calculated; and

30 (b) “Large employer” does not include a public employer as defined in ORS 243.650.

31 (5) “Medical assistance” has the meaning given that term in ORS 414.025.

32 (6) “Safety net provider” means any provider of comprehensive primary care or acute hospital  
33 inpatient services that provides these services to a significant total number of medical assistance  
34 and medically indigent patients in relation to the total number of patients served by the provider.

35 (7) “Wages” means wages as defined in ORS 657.105 and paid directly to an individual by the  
36 individual’s employer.

37 **SECTION 21.** Sections 1 to 7 of this 2015 Act and the amendments to ORS 314.840 by  
38 section 8 of this 2015 Act become operative on January 1, 2017.

39 **SECTION 22.** (1) Section 2 of this 2015 Act, as amended by section 19 of this 2015 Act,  
40 becomes operative on January 1, 2018.

41 (2) Section 2 of this 2015 Act, as amended by section 20 of this 2015 Act, becomes opera-  
42 tive on January 1, 2019.

43 **SECTION 23.** The Employment Department and the Oregon Health Authority may take  
44 any action prior to the operative date specified in section 21 of this 2015 Act that is necessary  
45 to carry out sections 1 to 7 of this 2015 Act and the amendments to ORS 314.840 by section

1 **8 of this 2015 Act on the operative date specified in section 21 of this 2015 Act.**

2 **SECTION 24. In addition to and not in lieu of any other appropriation, there is appro-**  
3 **riated to the Employment Department, for the biennium beginning July 1, 2015, out of the**  
4 **General Fund, the amount of \$\_\_\_\_\_, which shall be deposited into the Employer Respon-**  
5 **sibility for Medical Assistance Trust Fund and may be expended only for carrying out**  
6 **sections 3, 4 and 6 of this 2015 Act and ORS 657.601, 657.610, 657.625, 657.630, 657.635, 657.640,**  
7 **657.646, 657.660 and 657.665, as amended by sections 9 to 17 of this 2015 Act.**

8 **SECTION 25. This 2015 Act being necessary for the immediate preservation of the public**  
9 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
10 **on its passage.**

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