PROPOSED AMENDMENTS TO
SENATE BILL 718

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

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

11   On page 7, line 8, delete the second "and" and delete lines 9 through 12
12   and insert "shall provide the employee on regular paydays and at the time
13   payment of wages, salary or commission is made, with an itemized statement
14   as described in paragraph (b) of this subsection.".

15   After line 14, insert:

16   "(A) The date of the payment;".

17   In line 15, delete "(A)" and insert "(B)".

18   In line 16, delete "(B)" and insert "(C)".

19   In line 17, delete "(C)" and insert "(D)".

20   In line 18, delete "(D)" and insert "(E)".

21   In line 19, delete "(E)" and insert "(F)".

22   In line 20, delete "(F)" and insert "(G)".

1   In line 22, delete "(G)" and insert "(H)".

2   In line 23, delete "(H)" and insert "(I)".

3   In line 24, delete "(I)" and insert "(J)".

4   In line 26, delete "(J)" and insert "(K)".

5   In line 27, delete "(K)" and insert "(L)".

6   In line 31, delete "(L)" and insert "(M)".

7   Delete lines 33 and 34.

8   In line 35, delete "(b)" and insert "(2)(a)".

9   In line 37, delete "(c)" and insert "(b)".

10   In line 39, delete "(d)" and insert "(c)".

11   In line 41, delete "(e)" and insert "(d)" and delete "(c) and insert "(b)".

12   On page 8, line 3, before "authorized" insert "voluntarily".

13   On page 11, delete lines 40 through 45.

14   On page 12, delete lines 1 through 4 and insert:

15   **SECTION 9.** (1) There is hereby created a private cause of action for

16   violation of ORS 652.610 (1) or (3), 652.750 (2), (3), (6) or (7) and section 10

17   of this 2015 Act.

18   "(2) Violation of ORS 652.610 (1) or 652.750 tolls the statute of limitations

19   for recovery of any wages or damages identified in those records for the du-

20   ration of the violation.

21   "(3) Upon a finding that ORS 652.610 (1) or (3) or section 10 of this 2015

22   Act has been violated, the court shall award to the prevailing employee:

23   "(a) Actual damages, including, but not limited to, lost wages and benefits

24   plus interest;

25   "(b) Statutory damages of $5,000;

26   "(c) Reasonable attorney fees and costs; and

27   "(d) Other necessary or appropriate relief as determined by the court, in-

28   cluding, but not limited to, injunctive and declaratory relief.

29   "(4) Upon finding a violation of ORS 652.750 (2), (3) or (6), the court shall

30   award the aggrieved person:

1   "(a) Actual damages, including, but not limited to, lost wages and benefits

2   plus interest;

3   "(b) Upon occurrence of the latter of the day the statute requires com-

4   pliance or the eighth day after the employee has mailed to the employer a

5   written demand for compliance that references this section, statutory dam-

6   ages of $50 per day for each day that the violation continues up to a maxi-

7   mum of $5,000;

8   "(c) Reasonable attorney fees and costs; and

9   "(d) Other necessary or appropriate relief as determined by the court, in-

10   cluding, but not limited to, injunctive and declaratory relief.".

11   In line 5, delete "(3)(a)" and insert "(5)(a)".

12   _____