

## HB 2856 -5, -6 STAFF MEASURE SUMMARY

### House Committee On Business and Labor

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**Prepared By:** Jan Nordlund, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/27, 4/10

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#### WHAT THE MEASURE DOES:

Creates grant program at Bureau of Labor and Industries to provide funding for outreach, education and technical assistance to Oregon workers regarding rights in the workplace. Appropriates General Fund moneys to fund grant program. Provides additional remedy of compensatory and punitive damages in civil actions for discrimination or retaliation against employee for filing wage claim; violation of sick leave provisions; violation of family medical leave provisions; and violation of leave protections for victims of domestic violence, harassment, sexual assault or stalking. Allows award of compensatory damages against employer for retaliation against employee for inquiring about, discussing or disclosing their wage or the wage of another employee. Declares emergency, effective on passage.

- Subsequent referral to Ways and Means

#### ISSUES DISCUSSED:

##### EFFECT OF AMENDMENT:

-5 Replaces original measure. Difference between original measure and -5 are as follows:

Moves administration of grant program from Apprenticeship and Training Division to Wage and Hour Division. Appropriates \$2 million from the Wage Security Fund to fund the grant program.

Adds non-binary individuals to list of those the outreach program will target.

Provides both compensatory and punitive damages and jury trial in civil actions for retaliation against employee for inquiring about wage or for filing wage complaint or for violation of veteran's preference in public employment.

Deletes emergency clause.

- No revenue impact
- Fiscal statement issued for purpose of referring to Ways and Means

-6 Replaces original measure. Difference between original measure and -6 are as follows:

Moves administration of grant program from Apprenticeship and Training Division to Wage and Hour Division. Appropriates \$2 million from the Wage Security Fund to fund the grant program.

Adds non-binary individuals to list of those the outreach program will target.

Deletes proposed enhanced remedies for unlawful discrimination.

Deletes emergency clause.

- No revenue impact
- Fiscal statement issued

This Summary has not been adopted or officially endorsed by action of the committee.

**BACKGROUND:**

The Bureau of Labor and Industries (BOLI), under the direction of the Labor Commissioner, is responsible for, among other things, protecting the rights of workers and citizens to equal, non-discriminatory treatment through the enforcement of antidiscrimination laws that apply to workplaces, housing and public accommodations. It is also responsible for encouraging and enforcing compliance with state laws relating to wages, hours, terms and conditions of employment. A unit within BOLI provides technical assistance to employers through telephone and web-based information, pamphlets, fact sheets, handbooks, posters, and general and customized seminars and workshops. The purpose is to increase compliance with employment laws and wage and hour laws. The Technical Assistance for Employers Unit is funded through sales of its seminars, posters and handbooks. House Bill 2856 appropriates General Fund moneys to establish a grant program to support education and technical assistance for employees.

An employee who claims they suffered discrimination or retaliation for filing a wage claim or using protected leave or for participating in a related proceeding can take their employer to court or file a complaint with the Bureau of Labor and Industries. For claims involving wages, the court may provide injunctive relief, equitable relief, and compensatory damages but no punitive damages. For claims involving protected leave, the court may provide injunctive relief and equitable relief, but no punitive and compensatory damages. House Bill 2856 allows the court to award compensatory and punitive damages in cases in which an employer takes an adverse action against an employee for filing a claim regarding wages or protected leave.