

House Bill 3309

Sponsored by Representative BARNHART; Representatives DOHERTY, KENY-GUYER, MALSTROM, PILUSO, Senator RILEY

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**.

Extends time limitation to bring certain pay equity claims by making each subsequent payroll action that is based on underlying pay equity violation actionable.

A BILL FOR AN ACT

1
2 Relating to time limitations that apply to certain pay equity violations; amending ORS 652.230 and
3 659A.875.

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

5 **SECTION 1.** ORS 652.230 is amended to read:

6 652.230. (1) Any employee whose compensation is at a rate that is in violation of ORS 652.220
7 shall have a right of action against the employer for the recovery of:

8 (a) The amount of the unpaid wages to which the employee is entitled for the one year period
9 preceding the commencement of the action; and

10 (b) An additional amount as liquidated damages equal to the amount referred to in paragraph
11 (a) of this subsection.

12 (2) The court shall award reasonable attorney fees to the prevailing plaintiff in an action under
13 this section. The court may award reasonable attorney fees and expert witness fees incurred by a
14 defendant who prevails in the action if the court determines that the plaintiff had no objectively
15 reasonable basis for asserting a claim or no objectively reasonable basis for appealing an adverse
16 decision of a trial court.

17 (3) The action for the unpaid wages and liquidated damages may be maintained by one or more
18 employees on behalf of themselves or other employees similarly situated.

19 (4) No agreement for compensation at a rate less than the rate to which such employee is enti-
20 tled under ORS 652.210 to 652.230 is a defense to any action under ORS 652.210 to 652.230.

21 **(5) For the purpose of time limitations, a compensation practice that is unlawful under**
22 **ORS 652.220 occurs each time compensation is paid pursuant to a discriminatory compen-**
23 **sation decision or other practice.**

24 **SECTION 2.** ORS 659A.875 is amended to read:

25 659A.875. (1) Except as provided in subsection (2) of this section, a civil action under ORS
26 659A.885 alleging an unlawful employment practice must be commenced within one year after the
27 occurrence of the unlawful employment practice unless a complaint has been timely filed under ORS
28 659A.820.

29 (2) A person who has filed a complaint under ORS 659A.820 must commence a civil action under
30 ORS 659A.885 within 90 days after a 90-day notice is mailed to the complainant under ORS 659A.880.
31 This subsection does not apply to a complainant alleging an unlawful practice under ORS 659A.145

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 or 659A.421 or discrimination under federal housing law.

2 (3) A civil action alleging a violation of ORS 659A.145 or 659A.421 must be commenced not later
3 than two years after the occurrence or the termination of the unlawful practice, or within two years
4 after the breach of any settlement agreement entered into under ORS 659A.840, whichever occurs
5 last. The two-year period shall not include any time during which an administrative proceeding was
6 pending with respect to the unlawful practice.

7 (4) A civil action under ORS 659A.885 alleging an unlawful practice in violation of ORS
8 659A.403 or 659A.406 must be commenced within one year of the occurrence of the unlawful prac-
9 tice.

10 (5) The notice of claim required under ORS 30.275 must be given in any civil action under ORS
11 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or agent of a
12 public body as defined in ORS 30.260.

13 (6) Notwithstanding ORS 30.275 (9), a civil action under ORS 659A.885 against a public body,
14 as defined in ORS 30.260, or any officer, employee or agent of a public body as defined in ORS
15 30.260, based on an unlawful employment practice must be commenced within one year after the
16 occurrence of the unlawful employment practice unless a complaint has been timely filed under ORS
17 659A.820.

18 **(7) For the purpose of time limitations, a compensation practice that is unlawful under**
19 **this chapter occurs each time compensation is paid pursuant to a discriminatory compen-**
20 **sation decision or other practice.**

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