



## Open Government Impact Statement

80th Oregon Legislative Assembly  
2019 Regular Session

## Measure: SB 726 - A

Only impacts on Original or Engrossed  
Versions are Considered Official

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Date: 4/18/2019

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### SUMMARY

Makes unlawful employment practice for employer to *request employee to* enter agreement that would prevent employee from disclosing or discussing conduct that constitutes unlawful discrimination, including sexual assault. Allows civil and administrative remedies for violation against unlawful employment practice. Provides that employer may, in certain circumstances, enter into settlement, separation or severance agreement that includes provision that would prevent employee from disclosing or discussing such conduct or that would prohibit employee from seeking reemployment with employer as term or condition of agreement. Allows civil and administrative remedies for violation against unlawful practice.

*Makes unlawful employment practice for any person to aid, abet, incite, compel, coerce or conceal any acts prohibited under provisions of Act and any acts that constitute certain types of unlawful discrimination. Clarifies that employer's withholding of certain information from person who is owner, president, partner or corporate officer of employer, during course of employer's investigation, is not unlawful employment practice, provided that employer makes person aware of ongoing investigation.*

*Allows person who is owner, president, partner or corporate officer to be held individually liable for engaging in prohibited acts.*

Requires all employers to adopt written policy containing procedures and practices for reduction and prevention of certain types of unlawful discrimination, including sexual assault. Requires employers to *post notice* make policy available to employees in workplace and provide employees with copy of policy at time of hire.

Requires Bureau of Labor and Industries to make available on bureau's website model procedures or policies that employers may use to establish employer policies. Makes voidable any agreement to pay severance pay to person found to have engaged in conduct that violates employer's policies or provisions of Act and such violations were substantial contributing factor in causing separation from employment.

Extends timeline for filing complaint with Commissioner of Bureau of Labor and Industries alleging certain unlawful employment practices.

Extends statute of limitations from one year to *seven* five years to file civil action for certain violations of law.

Provides that extended statute of limitations applies to certain conduct that occurs on or after effective date of Act.



Requires commissioner to adopt any rules necessary to implement certain provisions of Act no later than 90 days after effective date.

Becomes operative *<i>January</i>*] October 1, 2020.

Permits commissioner to adopt rules and take any action before operative date of Act that is necessary to enable bureau to exercise duties, powers and functions conferred on bureau.

Takes effect on 91st day following adjournment sine die.

## **NOTICE OF NO OPEN GOVERNMENT IMPACT**