

**HB 2589 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Taylor

**Senate Committee On Judiciary**

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**Action Date:** 04/22/19

**Action:** Do pass the A-Eng bill.

**Vote:** 7-0-0-0

**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Channa Newell, Counsel

**Meeting Dates:** 4/22

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**WHAT THE MEASURE DOES:**

Updates language in employment discrimination statutes. Specifies that sexual orientation is not a physical or mental impairment for purposes of employment discrimination statutes. Removes provision that failure to provide reasonable accommodation for individual with disability arising out of transsexualism is not an unlawful employment practice. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Sexual orientation not a physical or mental impairment
- History of statutes relating to sexual orientation
- Reducing confusion on qualifying employment discrimination claims
- Protections for persons based on sexual orientation under 2007 Oregon Equality Act at ORS 659A.030

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The Americans with Disabilities Act (ADA) became law in 1990. Among other protections, the ADA prohibits discrimination against individuals with disabilities in employment. State law parallels the ADA in Chapter 659A of the Oregon Revised Statutes, requiring reasonable accommodations be made by employers for employees with disabilities. Current Oregon law recognizes reasonable accommodations as making existing facilities accessible and usable; restructuring a job schedule; acquiring or modifying equipment or devices; adjustment of examinations, training materials, or policy; or providing interpreters or readers. Current law also specifies that an employer may not be found to have engaged in an unlawful employment practice solely because the employer failed to provide reasonable accommodation to an individual with a disability arising out of transsexualism.

House Bill 2589 A updates language relating to sexual orientation and removes language stating that employer's failure to provide reasonable accommodations arising out of transsexualism is not an unlawful employment practice.