Senate Bill 83

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian)

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.

Expands prohibition against requiring employee to pay cost of medical examination as condition of employment to include consideration for employment. Extends prohibition to cover job applicants and prospective employees.

A BILL FOR AN ACT

Relating to payment of the cost of medical examinations used as a basis for employment decisions; amending ORS 659A.306.

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

SECTION 1. ORS 659A.306 is amended to read:

659A.306. (1) It is an unlawful employment practice for any employer to require a job applicant, an employee[, or a prospective employee, as a condition of consideration for or continuation of employment, to pay the cost of any medical examination or the cost of furnishing any health certificate.

(2) Notwithstanding subsection (1) of this section, it is not an unlawful employment practice for an employer to require the payment of medical examination or health certificate costs:

(a) From health and welfare fringe benefit moneys contributed entirely by the employer; or

(b) By the employee if the medical examination or health certificate is required pursuant to a collective bargaining agreement, state or federal statute or city or county ordinance.

(3) Nothing in this section permits an employer to require a medical examination or make inquiries that otherwise would be prohibited under ORS 659A.133 or 659A.136.

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.

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