

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 478**

1 On page 2 of the printed bill, delete line 5 and insert “workplace
2 harassment. A nondisclosure agreement made in violation of this subpara-
3 graph is void and may not be enforced by a court of this state.”.

4 Delete line 28 and insert “workplace harassment. A nondisclosure agree-
5 ment made in violation of this subparagraph is void and may not be enforced
6 by a court of this state.”.

7 On page 3, delete line 8 and insert “workplace harassment. A
8 nondisclosure agreement made in violation of this subparagraph is void and
9 may not be enforced by a court of this state.”.

10 After line 17, insert:

11 “(d) ‘Workplace harassment’ means conduct that constitutes discrimi-
12 nation prohibited by ORS 659A.030, including conduct that constitutes sexual
13 assault as defined in ORS 181A.323.”.

14 Delete lines 19 through 24 and insert:

15 **“SECTION 3. (1) A public official or candidate may not:**

16 **“(a) Use public moneys to make payments in connection with a**
17 **nondisclosure agreement relating to workplace harassment; or**

18 **“(b) Use moneys received from a third party to make payments in**
19 **connection with a nondisclosure agreement relating to workplace**
20 **harassment if the alleged harassment occurred when the public official**
21 **or candidate was acting as a public official or candidate.**

1 **“(2) A nondisclosure agreement made in violation of this section is**
2 **void and may not be enforced by a court of this state.**

3 **“(3) As used in this section:**

4 **“(a) ‘Payments in connection with a nondisclosure agreement’ in-**
5 **cludes any form of consideration provided in exchange for the silence**
6 **of an individual on issues relating to workplace harassment, including**
7 **but not limited to:**

8 **“(A) Money;**

9 **“(B) Stock, personal property or other items with a resale value;**

10 **“(C) Severance pay or benefits for an individual who resigned or**
11 **was fired from a place of employment without cause;**

12 **“(D) The promise of a positive reference or assistance in obtaining**
13 **future employment in a position in which the individual’s salary is**
14 **paid for with public moneys;**

15 **“(E) The promise of a bonus payment of moneys in addition to the**
16 **individual’s salary;**

17 **“(F) Alternative work arrangements that have the effect of reduc-**
18 **ing the amount of work required to be performed by the individual,**
19 **or of removing the individual from the workplace; or**

20 **“(G) Any agreement that terminates the employment of the indi-**
21 **vidual and includes a waiver of past or future claims against the public**
22 **official, the public body or any public employee.**

23 **“(b) ‘Workplace harassment’ means conduct that constitutes dis-**
24 **crimination prohibited by ORS 659A.030, including conduct that con-**
25 **stitutes sexual assault as defined in ORS 181A.323.**

26 **“SECTION 4. Section 5 of this 2019 Act is added to and made a part**
27 **of ORS chapter 260.**

28 **“SECTION 5. (1) In addition to the requirements set forth in ORS**
29 **260.407, a political committee or petition committee may not provide**
30 **any form of consideration in connection with a nondisclosure agree-**

1 **ment relating to workplace harassment.**

2 **“(2) As used in this section:**

3 **“(a) ‘Consideration in connection with a nondisclosure agreement’**
4 **includes any form of consideration provided in exchange for the si-**
5 **lence of an individual on issues relating to workplace harassment, in-**
6 **cluding but not limited to:**

7 **“(A) Money;**

8 **“(B) Stock, personal property or other items with a resale value;**

9 **“(C) Severance pay or benefits for an individual who resigned or**
10 **was fired from a place of employment without cause;**

11 **“(D) The promise of a positive reference or assistance in obtaining**
12 **future employment in a position in which the individual’s salary is**
13 **paid for with public moneys;**

14 **“(E) The promise of a bonus payment of moneys in addition to the**
15 **individual’s salary;**

16 **“(F) Alternative work arrangements that have the effect of reduc-**
17 **ing the amount of work required to be performed by the individual,**
18 **or of removing the individual from the workplace; or**

19 **“(G) Any agreement that terminates the employment of the indi-**
20 **vidual and includes a waiver of past or future claims against the public**
21 **official, the public body or any public employee.**

22 **“(b) ‘Workplace harassment’ means conduct that constitutes dis-**
23 **crimination prohibited by ORS 659A.030, including conduct that con-**
24 **stitutes sexual assault as defined in ORS 181A.323.”.**

25 In line 25, delete “4” and insert “6”.

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