

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 479
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 1 of the printed A-engrossed bill, after line 4, insert:

2 **“SECTION 1. Sections 1a to 4 of this 2019 Act are added to and made**
3 **a part of ORS chapter 243.”.**

4 In line 5, delete “1” and insert “1a” in both places.

5 On page 2, line 16, delete “and”.

6 In line 18, delete the period and insert “;

7 “(g) A statement that an employer may not require or coerce an employee
8 to enter into a nondisclosure or nondisparagement agreement, including a
9 description of the meaning of those terms;

10 “(h) An explanation that an employee claiming to be aggrieved by
11 workplace harassment may voluntarily request to enter into an agreement
12 described in section 4 (2) of this 2019 Act, including a statement that ex-
13 plains that the employee has at least seven days to revoke the agreement;
14 and

15 “(i) A statement that advises employers and employees to document any
16 incidents of workplace harassment.”.

17 Delete lines 22 through 24 and insert:

18 “(4) If an employee discloses any concerns about workplace harassment
19 to a supervisor of the employer, or to a designated individual as described
20 in section 3 (3) of this 2019 Act, the supervisor or designated individual shall,

1 at the time of the disclosure, provide to the employee a copy of the policy
2 described in this section.

3 “(5) A policy established under this section must comply with the re-
4 quirements for a written policy provided under section 3, chapter ___, Oregon
5 Laws 2019 (Enrolled Senate Bill 726).”.

6 After line 31, insert:

7 “(3) Identify the individual designated by the employer who is responsible
8 for receiving reports of prohibited conduct, including an individual desig-
9 nated as an alternate to receive such reports.”.

10 In line 32, delete “(3)” and insert “(4)” and delete “(4)” and insert “(5)”.

11 In line 36, delete “(4)” and insert “(5)”.

12 In line 37, delete “(3)” and insert “(4)”.

13 In line 38, delete “subsections” and insert “subsection”.

14 In line 39, after “practice” insert “under ORS chapter 659A”.

15 On page 4, line 35, after “violation” insert a period and delete the rest
16 of the line and line 36.

17 On page 5, line 13, before “alleging” insert “against a public body, as
18 defined in ORS 30.260, or any officer, employee or agent of a public body as
19 defined in ORS 30.260,”.

20 After line 21, insert:

21 **“SECTION 6a. If Senate Bill 726 becomes law, section 6 of this 2019**
22 **Act (amending ORS 659A.875) is repealed and ORS 659A.875, as**
23 **amended by section 6, chapter ___, Oregon Laws 2019 (Enrolled Senate**
24 **Bill 726), is amended to read:**

25 “659A.875. (1) Except as provided in subsection (2) of this section:

26 “(a) A civil action under ORS 659A.885 alleging an unlawful employment
27 practice other than a violation of ORS 659A.030, 659A.082 or 659A.112 or
28 section 2 [*of this 2019 Act*], **chapter ___, Oregon Laws 2019 (Enrolled**
29 **Senate Bill 726), or section 4 of this 2019 Act** must be commenced within
30 one year after the occurrence of the unlawful employment practice unless a

1 complaint has been timely filed under ORS 659A.820.

2 “(b) A civil action under ORS 659A.885 alleging a violation of ORS
3 659A.030, 659A.082 or 659A.112 or section 2 [*of this 2019 Act*], **chapter __**,
4 **Oregon Laws 2019 (Enrolled Senate Bill 726), or section 4 of this 2019**
5 **Act** must be commenced not later than five years after the occurrence of the
6 alleged violation.

7 “(2) A person who has filed a complaint under ORS 659A.820 must com-
8 mence a civil action under ORS 659A.885 within 90 days after a 90-day notice
9 is mailed to the complainant under ORS 659A.880. This subsection does not
10 apply to a complainant alleging an unlawful practice under ORS 659A.145
11 or 659A.421 or discrimination under federal housing law.

12 “(3) A civil action alleging a violation of ORS 659A.145 or 659A.421 must
13 be commenced not later than two years after the occurrence or the termi-
14 nation of the unlawful practice, or within two years after the breach of any
15 settlement agreement entered into under ORS 659A.840, whichever occurs
16 last. The two-year period shall not include any time during which an ad-
17 ministrative proceeding was pending with respect to the unlawful practice.

18 “(4) A civil action under ORS 659A.885 alleging an unlawful practice in
19 violation of ORS 659A.403 or 659A.406 must be commenced within one year
20 of the occurrence of the unlawful practice.

21 “(5) The notice of claim required under ORS 30.275 must be given in any
22 civil action under ORS 659A.885 against a public body, as defined in ORS
23 30.260, or any officer, employee or agent of a public body as defined in ORS
24 30.260.

25 “(6) Notwithstanding ORS 30.275 (9):

26 “(a) A civil action under ORS 659A.885 against a public body, as defined
27 in ORS 30.260, or any officer, employee or agent of a public body as defined
28 in ORS 30.260, based on an unlawful employment practice other than a vio-
29 lation of ORS 659A.030, 659A.082 or 659A.112 or section 2 [*of this 2019 Act*],
30 **chapter __, Oregon Laws 2019 (Enrolled Senate Bill 726), or section 4**

1 **of this 2019 Act** must be commenced within one year after the occurrence
2 of the unlawful employment practice unless a complaint has been timely filed
3 under ORS 659A.820.

4 “(b) A civil action under ORS 659A.885 alleging a violation of ORS
5 659A.030, 659A.082 or 659A.112 or section 2 [*of this 2019 Act*], **chapter __**,
6 **Oregon Laws 2019 (Enrolled Senate Bill 726)**, must be commenced not
7 later than five years after the occurrence of the alleged violation unless a
8 complaint has been timely filed under ORS 659A.820.

9 “(c) **A civil action under ORS 659A.885 against a public body, as**
10 **defined in ORS 30.260, or any officer, employee or agent of a public**
11 **body as defined in ORS 30.260, alleging a violation of ORS 659A.030,**
12 **659A.082 or 659A.112 or section 4 of this 2019 Act must be commenced**
13 **not later than five years after the occurrence of the alleged violation**
14 **unless a complaint has been timely filed under ORS 659A.820.**

15 “(7) For the purpose of time limitations, a compensation practice that is
16 unlawful under ORS 652.220 occurs each time compensation is paid under a
17 discriminatory compensation decision or other practice.

18 “(8) Notwithstanding ORS 30.275 (2)(b), notice of claim against a public
19 body under ORS 652.220 or 659A.355 must be given within 300 days of dis-
20 covery of the alleged loss or injury.

21 “**SECTION 6b.** If Senate Bill 726 becomes law, section 10 of this 2019
22 Act is amended to read:

23 “**Sec. 10.** The amendments to ORS 659A.820 and 659A.875 by sections 5
24 and [6] **6a** of this 2019 Act apply to:

25 “(1) Conduct prohibited by ORS 659A.030, 659A.082 or 659A.112 occurring
26 on or after the effective date of this 2019 Act.

27 “(2) Conduct prohibited by section 4 of this 2019 Act occurring on or after
28 October 1, 2020.”

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