

HB 4041-4
(LC 197)
2/3/20 (DFY/ps)

Requested by HOUSE COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS (at the request of Representative Paul Evans)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4041**

1 On page 1 of the printed bill, line 2, after “management” insert a period
2 and delete the rest of the line and lines 3 through 15.

3 Delete lines 17 through 21 and delete pages 2 through 80.

4 On page 81, delete lines 1 through 5 and insert:

5 “**NOTE:** Sections 1 through 150 were deleted by amendment. Subsequent
6 sections were not renumbered.”.

7 In line 13, delete “Oregon Department” and insert “Office”.

8 In line 14, delete “Oregon Department” and insert “Office”.

9 In line 15, delete “Department” and insert “office”.

10 On page 82, line 3, delete “Oregon Department” and insert “Office”.

11 In line 28, delete “Oregon Department” and insert “Office”.

12 In line 40, delete “department” and insert “office”.

13 On page 83, delete lines 2 through 31 and insert:
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“EMERGENCY VOLUNTEER LEAVE

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17 **“SECTION 152a. (1) Upon request of an employee who volunteers**
18 **with an emergency response organization, an employer shall grant the**
19 **employee a leave of absence to provide disaster relief services or other**
20 **emergency response services. The employer may require the employee**
21 **to provide written documentation from the organization with which**

1 the employee volunteers before granting a leave of absence under this
2 section. An employee is entitled to no more than 30 days of leave per
3 calendar year under this section.

4 “(2) The regular employment position of an employee on a leave of
5 absence under this section shall be considered vacant only for the pe-
6 riod of the leave of absence. The employee may not be subject to re-
7 moval or discharge from such position as a consequence of the leave
8 of absence.

9 “(3) Upon the termination of a leave of absence under this section,
10 the employee shall be restored to the employee’s position or an
11 equivalent position by the employer without loss of seniority, vacation
12 credits, sick leave credits, service credits under a pension plan or any
13 other employee benefit or right that had been earned at the time of
14 the leave of absence.

15 “(4)(a) Except as provided in paragraph (b) of this subsection, and
16 unless otherwise provided by the terms of an agreement between the
17 employee and the employer, a collective bargaining agreement or an
18 employer policy, an employer is not required to pay wages or other
19 monetary compensation to an employee during a leave of absence un-
20 der subsection (1) of this section.

21 “(b) An employee taking a leave of absence under this section is
22 entitled to use any paid accrued sick leave, any paid accrued vacation
23 leave or any other paid leave offered by the employer during the leave
24 of absence.

25 “(c) Subject to the terms of any agreement between the employee
26 and the employer or the terms of a collective bargaining agreement,
27 the employer may determine the particular order in which accrued
28 leave is to be used in circumstances in which more than one type of
29 accrued leave is available to the employee.

30 “(5) The Office of Emergency Management shall maintain a list of

1 organizations that qualify as emergency response organizations under
2 this section. The office shall add an organization to the list if the of-
3 fice verifies that the organization is capable of providing competent
4 emergency response services in this state. The office may adopt rules
5 for the administration of this subsection.

6 “(6) As used in this section:

7 “(a) ‘Emergency response organization’ means an organization
8 identified by the office under subsection (5) of this section.

9 “(b) ‘Employee’ means any individual, other than a copartner of the
10 employer or an independent contractor, who renders personal services
11 in this state to an employer who pays or agrees to pay wages or other
12 compensation to the individual for those services.

13 “(c) ‘Employer’ means any person who employs one or more em-
14 ployees in this state. ‘Employer’ includes the State of Oregon or any
15 county, city, district, authority, public corporation or entity and any
16 of their instrumentalities organized and existing under law or charter,
17 but does not include the federal government.

18 “SECTION 152b. (1) Any violation of section 152a of this 2020 Act
19 by an employer is an unlawful employment practice.

20 “(2) Complaints alleging a violation of section 152a of this 2020 Act
21 may be filed by employees with the Commissioner of the Bureau of
22 Labor and Industries. The commissioner shall enforce section 152a of
23 this 2020 Act in the manner provided in ORS chapter 659A for the
24 enforcement of other unlawful employment practices.

25 “(3) Any person claiming to be aggrieved by a violation of section
26 152a of this 2020 Act may bring a civil action in the manner provided
27 in ORS 659A.885.

28 “NOTE: Sections 153 and 154 were deleted by amendment. Subsequent
29 sections were not renumbered.

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