

HB 4041-3  
(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 “amending” delete the rest of  
2 the line and lines 3 through 15, and insert “ORS 182.535, 183.457, 264.348,  
3 443.760, 453.327, 453.342, 453.362, 453.392, 453.394, 453.520, 453.825, 466.620,  
4 468B.365, 468B.431, 476.020, 476.030, 476.050, 476.055, 476.090, 476.130, 476.210,  
5 476.220, 476.270, 476.290, 476.680, 476.685, 476.735, 476.765, 476.806, 476.925,  
6 478.270, 478.940, 479.180, 480.230, 480.450, 480.460, 657.665, 731.820 and 735.470  
7 and section 13c, chapter 581, Oregon Laws 2019.”.

8 Delete lines 17 through 21 and delete pages 2 through 49.

9 On page 50, delete lines 1 through 24 and insert:

10 “**NOTE:** Sections 1 through 88 were deleted by amendment. Subsequent  
11 sections were not renumbered.”.

12 On page 52, delete lines 35 through 45 and delete pages 53 through 55.

13 On page 56, delete lines 1 through 24 and insert:

14 “**NOTE:** Sections 97 through 107 were deleted by amendment. Subsequent  
15 sections were not renumbered.”.

16 On page 58, line 43, restore the bracketed material and delete the bold-  
17 faced material.

18 On page 59, lines 20 and 44, restore the bracketed material and delete the  
19 boldfaced material.

20 On page 78, delete lines 44 and 45 and delete pages 79 through 82.

21 On page 83, delete lines 1 through 31 and insert:

1       **“NOTE:** Sections 147 through 152 were deleted by amendment. Subse-  
2       quent sections were not renumbered.

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4                               **“EMERGENCY VOLUNTEER LEAVE**

5  
6       **“SECTION 152a. (1) Upon request of an employee who volunteers**  
7       **with an emergency response organization, an employer shall grant the**  
8       **employee a leave of absence to provide disaster relief services or other**  
9       **emergency response services. The employer may require the employee**  
10      **to provide written documentation from the organization with which**  
11      **the employee volunteers before granting a leave of absence under this**  
12      **section. An employee is entitled to no more than 30 days of leave per**  
13      **calendar year under this section.**

14      **“(2) The regular employment position of an employee on a leave of**  
15      **absence under this section shall be considered vacant only for the pe-**  
16      **riod of the leave of absence. The employee may not be subject to re-**  
17      **moval or discharge from such position as a consequence of the leave**  
18      **of absence.**

19      **“(3) Upon the termination of a leave of absence under this section,**  
20      **the employee shall be restored to the employee’s position or an**  
21      **equivalent position by the employer without loss of seniority, vacation**  
22      **credits, sick leave credits, service credits under a pension plan or any**  
23      **other employee benefit or right that had been earned at the time of**  
24      **the leave of absence.**

25      **“(4)(a) Except as provided in paragraph (b) of this subsection, and**  
26      **unless otherwise provided by the terms of an agreement between the**  
27      **employee and the employer, a collective bargaining agreement or an**  
28      **employer policy, an employer is not required to pay wages or other**  
29      **monetary compensation to an employee during a leave of absence un-**  
30      **der subsection (1) of this section.**

1       **“(b) An employee taking a leave of absence under this section is**  
2 **entitled to use any paid accrued sick leave, any paid accrued vacation**  
3 **leave or any other paid leave offered by the employer during the leave**  
4 **of absence.**

5       **“(c) Subject to the terms of any agreement between the employee**  
6 **and the employer or the terms of a collective bargaining agreement,**  
7 **the employer may determine the particular order in which accrued**  
8 **leave is to be used in circumstances in which more than one type of**  
9 **accrued leave is available to the employee.**

10       **“(5) The Office of Emergency Management shall maintain a list of**  
11 **organizations that qualify as emergency response organizations under**  
12 **this section. The office shall add an organization to the list if the of-**  
13 **fice verifies that the organization is capable of providing competent**  
14 **emergency response services in this state. The office may adopt rules**  
15 **for the administration of this subsection.**

16       **“(6) As used in this section:**

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

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

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

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

30       **“(2) Complaints alleging a violation of section 152a of this 2020 Act**

1 may be filed by employees with the Commissioner of the Bureau of  
2 Labor and Industries. The commissioner shall enforce section 152a of  
3 this 2020 Act in the manner provided in ORS chapter 659A for the  
4 enforcement of other unlawful employment practices.

5 “(3) Any person claiming to be aggrieved by a violation of section  
6 152a of this 2020 Act may bring a civil action in the manner provided  
7 in ORS 659A.885.

8  
9 “PREPARATION FOR IMPLEMENTATION

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11 “SECTION 153. The Governor, the office of the State Fire Marshal  
12 and the Department of State Police may take any action before the  
13 operative date specified in section 155 of this 2020 Act that is necessary  
14 for the Governor or agency to exercise, on or after the operative date  
15 specified in section 155 of this 2020 Act, all of the duties, functions and  
16 powers conferred on the Governor or the agency by sections 91 to 96,  
17 152a and 152b of this 2020 Act and the amendments to statutes and  
18 session law by sections 90 and 108 to 146 of this 2020 Act.

19 “SECTION 154. The Governor, the office of the State Fire Marshal  
20 and the Department of State Police shall report to the appropriate  
21 interim committees of the Legislative Assembly no later than Sep-  
22 tember 15 of each year before the operative date specified in section  
23 155 of this 2020 Act on the actions taken that are necessary for the  
24 Governor or agency to exercise, on or after the operative date specified  
25 in section 155 of this 2020 Act, all of the duties, functions and powers  
26 conferred on the Governor or the agency by sections 91 to 96, 152a and  
27 152b of this 2020 Act and the amendments to statutes and session law  
28 by sections 90 and 108 to 146 of this 2020 Act.

29  
30 “OPERATIVE DATE

1        **SECTION 155. Sections 89, 91 to 96, 152a and 152b of this 2020 Act**  
2        **and the amendments to statutes and session law by sections 90 and 108**  
3        **to 146 of this 2020 Act become operative on July 1, 2023.”.**

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