

HB 4041-2  
(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 30.269, 195.260, 244.050,  
3 276A.300, 276A.326, 377.833, 399.035, 401.052, 401.054, 401.062, 401.072, 401.076,  
4 401.082, 401.088, 401.092, 401.096, 401.165, 401.239, 401.305, 401.358, 401.364,  
5 401.368, 401.534, 401.536, 401.551, 401.552, 401.654, 401.655, 401.657, 401.658,  
6 401.661, 401.667, 401.900, 401.902, 401.904, 401.910, 401.915, 401.922, 401.950,  
7 401.952, 401.955, 401.975, 401.977, 401.978, 402.015, 402.020, 402.210, 402.230,  
8 403.120, 403.130, 403.132, 403.160, 403.165, 403.170, 403.235, 403.240, 403.250,  
9 403.415, 403.425, 403.430, 403.435, 403.450, 433.448, 465.505, 466.635, 540.482 and  
10 824.088 and sections 1, 3 and 4, chapter 85, Oregon Laws 2016.”.

11 On page 6, delete lines 24 through 45 and delete pages 7 through 12 and  
12 insert:

13 “**NOTE:** Sections 16 through 25 were deleted by amendment. Subsequent  
14 sections were not renumbered.”.

15 On page 15, lines 27 through 43, restore the bracketed material and delete  
16 the boldfaced material.

17 On page 30, delete lines 9 through 45.

18 On page 31, delete lines 1 through 3 and insert:

19 “**NOTE:** Section 43 was deleted by amendment. Subsequent sections were  
20 not renumbered.”.

21 On page 50, delete lines 26 through 45 and delete pages 51 through 82.

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

2 **“NOTE:** Sections 89 through 152 were deleted by amendment. Subsequent  
3 sections were not renumbered.

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5 **“EMERGENCY VOLUNTEER LEAVE**

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

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

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

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

1 der subsection (1) of this section.

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

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

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

18 “(6) As used in this section:

19 “(a) ‘Emergency response organization’ means an organization  
20 identified by the department under subsection (5) of this section.

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

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

30 “SECTION 152b. (1) Any violation of section 152a of this 2020 Act

1 by an employer is an unlawful employment practice.

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

7 “(3) Any person claiming to be aggrieved by a violation of section  
8 152a of this 2020 Act may bring a civil action in the manner provided  
9 in ORS 659A.885.

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#### “PREPARATION FOR IMPLEMENTATION

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13 “SECTION 153. The Governor, the Office of Emergency Manage-  
14 ment or the Oregon Military Department may take any action before  
15 the operative date specified in section 155 of this 2020 Act that is nec-  
16 essary for the Governor or agency to exercise, on or after the opera-  
17 tive date specified in section 155 of this 2020 Act, all of the duties,  
18 functions and powers conferred on the Governor or the agency by  
19 sections 10 to 15, 152a and 152b of this 2020 Act and the amendments  
20 to statutes and session law by sections 2 to 9 and 26 to 88 of this 2020  
21 Act.

22 “SECTION 154. The Governor, the Office of Emergency Manage-  
23 ment and the Oregon Military Department shall report to the appro-  
24 priate interim committees of the Legislative Assembly no later than  
25 September 15 of each year before the operative date specified in section  
26 155 of this 2020 Act on the actions taken that are necessary for the  
27 Governor or agency to exercise, on or after the operative date specified  
28 in section 155 of this 2020 Act, all of the duties, functions and powers  
29 conferred on the Governor or the agency by sections 10 to 15, 152a and  
30 152b of this 2020 Act and the amendments to statutes and session law

1 by sections 2 to 9 and 26 to 88 of this 2020 Act.

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**“OPERATIVE DATE**

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5 **“SECTION 155. Sections 1, 10 to 15, 152a and 152b of this 2020 Act**  
6 **and the amendments to statutes and session law by sections 2 to 9 and**  
7 **26 to 88 of this 2020 Act become operative on July 1, 2023.”.**

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