

Senate Bill 376

Sponsored by Senator BOQUIST (at the request of Sherman Family) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires employer that employs 20 or more employees to grant unpaid leave of absence to employee who is called into service to perform duties related to service as volunteer firefighter, reserve peace officer or civil air patrol member. Requires employer that employs 50 or more employees to grant unpaid leave of absence for up to 14 days to employee for training related to service as volunteer firefighter, reserve peace officer or civil air patrol member. Provides that employer commits unlawful employment practice if employer refuses to grant unpaid leave of absence or reinstatement to qualifying employee.

A BILL FOR AN ACT

1
2 Relating to employment rights of employee who serves as a volunteer emergency service provider;
3 creating new provisions; and amending ORS 659A.088.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) An employer that employs 20 or more employees in this state shall grant**
6 **to an employee a leave of absence if:**

7 (a) **The employee is called into active duty as a volunteer firefighter;**

8 (b) **The employee is called into active duty as a member of the Civil Air Patrol Pacific**
9 **Region; or**

10 (c) **The employee is called into active duty as a member of the Oregon Association of**
11 **Reserve Peace Officers.**

12 (2) **An employer that employs 50 or more employees in this state shall grant to an em-**
13 **ployee a leave of absence of up to 14 calendar days to participate in training related to the**
14 **employee's service described in subsection (1) of this section.**

15 (3) **The regular employment position of an employee on a leave of absence under sub-**
16 **section (1) or (2) of this section is considered vacant only for the period of the leave of ab-**
17 **sence. The employer may not remove or discharge the employee from the employee's**
18 **employment as a consequence of the leave of absence.**

19 (4) **Upon the termination of the leave of absence under subsection (1) or (2) of this sec-**
20 **tion, the employer shall reinstate the employee to the employee's former position of em-**
21 **ployment or an equivalent position without loss of seniority, vacation credits, sick leave**
22 **credits, service credits under a pension plan or any other employee benefit or right that had**
23 **been earned at the time of the leave of absence.**

24 (5) **Leave taken under subsection (1) of this section may be taken in hourly increments.**

25 (6) **An employer is not required to pay wages or other monetary compensation to an**
26 **employee during a leave of absence required under subsection (1) or (2) of this section.**

27 **SECTION 2. ORS 659A.088 is amended to read:**

28 **659A.088. (1) Any violation of ORS 659A.086 (1) to (3) or section 1 (1) to (5) of this 2021 Act**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 by an employer is an unlawful employment practice.

2 (2) Complaints alleging a violation of ORS 659A.086 (1) to (3) may be filed by employees with the
3 Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820. The
4 commissioner shall enforce ORS 659A.086 in the manner provided in ORS chapter 659A regarding
5 other unlawful employment practices.

6 (3) Violation of ORS 659A.086 (1) to (3) subjects the violator to the same civil remedies and
7 penalties as provided in ORS chapter 659A.

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