

Senate Bill 528

Sponsored by Senator GIROD; Senator FINDLEY (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**.

Prohibits Director of Department of Consumer and Business Services or designated representative of director from assessing civil penalty against employer for serious violation causing injury or harm to employee that is result of certain employee conduct.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to civil penalties assessed against employer for harm resulting from employee conduct; and
3 declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 654.001 to**
6 **654.295.**

7 **SECTION 2. (1) As used in this section:**

8 (a) "Guidance" includes executive orders issued by the Governor or regulations adopted
9 by any state agency.

10 (b) "State agency" means any state officer, board, commission, bureau, department or
11 division thereof in the executive branch of state government.

12 (2) Notwithstanding the provisions of ORS 654.086, the Director of the Department of
13 Consumer and Business Services or the designated representative of the director may not
14 assess a civil penalty against an employer for a serious violation causing injury or serious
15 physical harm to an employee that arises from an employee's:

16 (a) Conduct that is in violation of ORS 654.020 (1);

17 (b) Failure or refusal to comply with the terms or conditions of any policies or proce-
18 dures established by the employer provided that the policies or procedures:

19 (A) Are designed to prevent unsafe or unhealthy conditions in the workplace; or

20 (B) Are consistent with any federal or state statute, regulation, order or public health
21 guidance related to health and safety in the workplace; or

22 (c) Failure to comply with guidance directed at preventing the spread of a communicable
23 disease that is applicable to the employee's activities during nonworking hours.

24 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
26 **on its passage.**

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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.