

Requested by Senator TAYLOR

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2818**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon de-
2 lete the rest of the line and insert “creating new provisions; amending ORS
3 652.210 and 652.414; and declaring an emergency.”.

4 On page 2, after line 28, insert:

5 **“SECTION 2.** ORS 652.210 is amended to read:

6 “652.210. As used in ORS 652.210 to 652.235, unless the context requires
7 otherwise:

8 “(1)(a) ‘Compensation’ includes wages, salary, bonuses, benefits, fringe
9 benefits and equity-based compensation.

10 **“(b) ‘Compensation’ does not include vaccine incentives.**

11 “(2) ‘Employee’ means any individual who, otherwise than as a copartner
12 of the employer, as an independent contractor or as a participant in a work
13 training program administered under the state or federal assistance laws,
14 renders personal services wholly or partly in this state to an employer who
15 pays or agrees to pay such individual at a fixed rate. However, when services
16 are rendered only partly in this state, an individual is not an employee un-
17 less the contract of employment of the employee has been entered into, or
18 payments thereunder are ordinarily made or to be made, within this state.

19 “(3)(a) ‘Employer’ means any person employing one or more employees,
20 including the State of Oregon or any political subdivision thereof or any
21 county, city, district, authority, public corporation or entity and any of their

1 instrumentalities organized and existing under law or charter.

2 “(b) ‘Employer’ does not include the federal government.

3 “(4) ‘Equal-pay analysis’ means an evaluation process to assess and cor-
4 rect wage disparities among employees who perform work of comparable
5 character.

6 “(5) ‘Protected class’ means a group of persons distinguished by race,
7 color, religion, sex, sexual orientation, national origin, marital status, vet-
8 eran status, disability or age.

9 “(6) ‘Public health emergency’ means:

10 “(a) A public health emergency declared under ORS 433.441.

11 “(b) An emergency declared under ORS 401.165 if related to a public
12 health emergency as defined in ORS 433.442.

13 “[6] (7) ‘Rate’ with reference to wages means:

14 “(a) The basis of compensation for services by an employee for an em-
15 ployer; and

16 “(b) Compensation based on the time spent in the performance of the
17 services, on the number of operations accomplished or on the quantity
18 produced or handled.

19 “[7] (8) ‘Sexual orientation’ has the meaning given that term in ORS
20 174.100.

21 “[8] (9) ‘System’ means a consistent and verifiable method in use at the
22 time that a violation is alleged under ORS 652.220.

23 “[9] (10) ‘Unpaid wages’ means the difference between the wages actu-
24 ally paid to an employee and the wages required under ORS 652.220 to be
25 paid to the employee.

26 “[10] (11) ‘Veteran status’ means an individual is a veteran as defined
27 in ORS 408.225.

28 “(12) ‘Vaccine incentives’ means monetary or nonmonetary incen-
29 tives, including but not limited to additional paid time off or protected
30 time off from work provided by employers to employees who have been

1 **immunized against infectious diseases during a public health emer-**
2 **gency.**

3 “[~~(11)~~] (13) ‘Wages’ means all compensation for performance of service by
4 an employee for an employer, whether paid by the employer or another per-
5 son, or paid in cash or any medium other than cash.

6 “[~~(12)~~] (14) ‘Working conditions’ includes work environment, hours, time
7 of day, physical surroundings and potential hazards encountered by an em-
8 ployee.

9 “[~~(13)~~] (15) ‘Work of comparable character’ means work that requires
10 substantially similar knowledge, skill, effort, responsibility and working
11 conditions in the performance of work, regardless of job description or job
12 title.

13 **“SECTION 3. The amendments to ORS 652.210 by section 2 of this**
14 **2021 Act apply to complaints filed with the Commissioner of the Bu-**
15 **reau of Labor and Industries and to claims filed in a circuit court on**
16 **or after April 29, 2021.**

17 **“SECTION 4. The amendments to ORS 652.210 by section 2 of this**
18 **2021 Act become operative on January 1, 2021.**

19 **“SECTION 5. This 2021 Act being necessary for the immediate**
20 **preservation of the public peace, health and safety, an emergency is**
21 **declared to exist, and this 2021 Act takes effect on its passage.”.**

22