

Requested by Senator HANSELL

**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:**

11 **“(A) A hiring bonus offered to a prospective employee; or**

12 **“(B) A retention bonus offered to an employee.**

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

21 “(3)(a) ‘Employer’ means any person employing one or more employees,

1 including the State of Oregon or any political subdivision thereof or any
2 county, city, district, authority, public corporation or entity and any of their
3 instrumentalities organized and existing under law or charter.

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

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

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

11 “(6) ‘Rate’ with reference to wages means:

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

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

17 “(7) ‘Sexual orientation’ has the meaning given that term in ORS 174.100.

18 “(8) ‘System’ means a consistent and verifiable method in use at the time
19 that a violation is alleged under ORS 652.220.

20 “(9) ‘Unpaid wages’ means the difference between the wages actually paid
21 to an employee and the wages required under ORS 652.220 to be paid to the
22 employee.

23 “(10) ‘Veteran status’ means an individual is a veteran as defined in ORS
24 408.225.

25 “(11) ‘Wages’ means all compensation for performance of service by an
26 employee for an employer, whether paid by the employer or another person,
27 or paid in cash or any medium other than cash.

28 “(12) ‘Working conditions’ includes work environment, hours, time of day,
29 physical surroundings and potential hazards encountered by an employee.

30 “(13) ‘Work of comparable character’ means work that requires substan-

1 tially similar knowledge, skill, effort, responsibility and working conditions
2 in the performance of work, regardless of job description or job title.

3 **“SECTION 3.** ORS 652.210, as amended by section 2 of this 2021 Act, is
4 amended to read:

5 “652.210. As used in ORS 652.210 to 652.235, unless the context requires
6 otherwise:

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

9 “[*(b) ‘Compensation’ does not include:*]

10 “[*(A) A hiring bonus offered to a prospective employee; or]*”

11 “[*(B) A retention bonus offered to an employee.*]

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

20 “(3)(a) ‘Employer’ means any person employing one or more employees,
21 including the State of Oregon or any political subdivision thereof or any
22 county, city, district, authority, public corporation or entity and any of their
23 instrumentalities organized and existing under law or charter.

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

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

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

1 “(6) ‘Rate’ with reference to wages means:

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

4 “(b) Compensation based on the time spent in the performance of the
5 services, on the number of operations accomplished or on the quantity
6 produced or handled.

7 “(7) ‘Sexual orientation’ has the meaning given that term in ORS 174.100.

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

10 “(9) ‘Unpaid wages’ means the difference between the wages actually paid
11 to an employee and the wages required under ORS 652.220 to be paid to the
12 employee.

13 “(10) ‘Veteran status’ means an individual is a veteran as defined in ORS
14 408.225.

15 “(11) ‘Wages’ means all compensation for performance of service by an
16 employee for an employer, whether paid by the employer or another person,
17 or paid in cash or any medium other than cash.

18 “(12) ‘Working conditions’ includes work environment, hours, time of day,
19 physical surroundings and potential hazards encountered by an employee.

20 “(13) ‘Work of comparable character’ means work that requires substan-
21 tially similar knowledge, skill, effort, responsibility and working conditions
22 in the performance of work, regardless of job description or job title.

23 **“SECTION 4. The amendments to ORS 652.210 by section 2 of this**
24 **2021 Act apply to complaints filed with the Commissioner of the Bu-**
25 **reau of Labor and Industries and to claims filed in a circuit court on**
26 **or after May 25, 2021.**

27 **“SECTION 5. The amendments to ORS 652.210 by section 3 of this**
28 **2021 Act become operative on March 1, 2022.**

29 **“SECTION 6. This 2021 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2021 Act takes effect on its passage.”.**

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