

HB 3028 -3, -5 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/1, 3/29

WHAT THE MEASURE DOES:

Prohibits employer from requiring employee to use vacation, sick or annual leave for time spent by employee as appointed member of board, commission, council or committee created by statute. Employee who alleges violation may bring a civil action or file a complaint with Bureau of Labor and Industries (BOLI) Civil Rights Division. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Removing barriers to participation on boards and commissions
- Job protection based on statutory language for service on jury
- Reasons why worker would chose to use unpaid leave rather than paid leave
- Sideboards on unpaid leave: number of days of service or number of boards
- Interaction with requirement to provide per diem for individuals who serve on state boards and commission
- Scope of protection: which boards, commissions, and councils does unpaid apply too
- Lack of notice requirement by employee to employer
- Implication on predictive scheduling requirements
- Enforcement through administrative or civil action

EFFECT OF AMENDMENT:

-3 Narrows application to service on state board or commission as defined in ORS 292.495. Requires at least 21 days' notice by employee to employer of any time employee needs for service on state board or commission.

-5 Narrows application to service on state board or commission as defined in ORS 292.495. Requires at least 21 days' notice by employee to employer of any time employee needs for service on state board or commission. Removes private right action.

BACKGROUND:

The Governor appointments to over 250 boards and commissions connected to various policy and subject matter areas, including to policy-making boards that head major state agencies and departments. Oregon law requires state board and commission members to be paid per diem and be reimbursed for actual and necessary travel or other expenses to a member who is not in full-time public service and has a certain adjusted gross income. However, current law does not provide an employee or employer direction regarding leave from work to serve on a board, commission, council, or committee.

House Bill 3028 requires an employer to allow an employee to take leave without pay for time spent by the employee in service as an appointed member of the board, commission, council or committee.