

HB 3028 A STAFF MEASURE SUMMARY

Carrier: Rep. Neron

House Committee On Business and Labor**Action Date:** 03/29/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 8-3-0-0**Yeas:** 8 - Boshart Davis, Grayber, Holvey, Hudson, Nelson, Nosse, Owens, Sosa**Nays:** 3 - Elmer, Osborne, Scharf**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Erin Seiler, LPRO Analyst**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 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. Employee who alleges violation may file 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 choose 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 commissions
- Scope of protection: which boards, commissions, and councils does unpaid leave apply to
- Lack of notice requirement by employee to employer
- Implication on predictive scheduling requirements
- Enforcement through administrative or civil action

EFFECT OF AMENDMENT:

Applies 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 of action.

BACKGROUND:

The Governor makes 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 A 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 a state board or commission as defined in ORS 292.495.