

HB 3205 B STAFF MEASURE SUMMARY

Carrier: Sen. Taylor

Senate Committee On Labor and Business

Action Date: 05/11/23

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 3-0-0-2

Yeas: 3 - Jama, Patterson, Taylor

Abs: 2 - Bonham, Hansell

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 5/9, 5/11

WHAT THE MEASURE DOES:

Directs the Commissioner of the Bureau of Labor and Industries (BOLI) to adopt rules regarding Oregon's pay equity laws, including clarification around the payment of bonuses based on bona fide factors. Directs BOLI to update the business and labor committees of the Legislative Assembly by February 1, 2024, on the rulemaking status. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Past legislation temporarily exempting bonuses from pay equity law
- Definition of "compensation"
- Mechanics of existing law for allowing pay differentials
- Workforce shortages and recruitment challenges

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Oregon's pay equity law makes it an unlawful employment practice for an employer to pay wages or other compensation to any employee at a rate greater than other employees of a protected class for work of a comparable character. Employers may not reduce compensation to comply, and are liable for unpaid wages if they violate the pay equity law.

In 2021, the Legislative Assembly passed House 2818, temporarily exempting hiring and retention bonuses from the definition of "compensation" for purposes of the pay equity law. The exemption applied only to complaints filed with the Bureau of Labor and Industries (BOLI) and to claims filed in circuit court on or after May 25, 2021 until the exemption expired on March 1, 2022. In 2022, the Legislative Assembly passed Senate Bill 1514, temporarily reestablishing the exemption for hiring and retention bonuses from the definition of "compensation" for purposes of the pay equity law. The exemption applied to complaints filed with BOLI and to claims filed in a circuit court beginning on or after March 1, 2022, until 180 days following the expiration of the state of emergency that was first declared by the Governor on March 8, 2020. The state of emergency declared by the Governor expired on April 1, 2022 and the exemption expired on September 28, 2022.

House Bill 3205 B directs the Commissioner of BOLI to adopt rules regarding Oregon's pay equity laws, including clarification around the payment of bonuses based on bona fide factors. The measure also directs BOLI to update the interim committees of the Legislative Assembly related to business and labor by February 1, 2024.