

House Bill 3205

Sponsored by Representatives BYNUM, HELFRICH, Senator MANNING JR; Representatives BOSHART DAVIS, LIVELY, PHAM H, Senators BONHAM, DEMBROW, GORSEK, HANSELL, MEEK, STEINER, WOODS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definition of "compensation," for purposes of pay equity requirements, to exclude hiring bonuses and retention bonuses.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the exemption of certain bonuses from pay equity requirements; amending ORS 652.210;
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 652.210, as amended by sections 1 and 2, chapter 23, Oregon Laws 2022, is
6 amended to read:

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

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

10 (b) "Compensation" does not include:

11 (A) Vaccine incentives.

12 (B) A hiring bonus offered to a prospective employee.

13 (C) A retention bonus offered to an employee.

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

21 (3)(a) "Employer" means any person employing one or more employees, including the State of
22 Oregon or any political subdivision thereof or any county, city, district, authority, public corpo-
23 ration or entity and any of their 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 correct wage disparities
26 among employees who perform work of comparable character.

27 (5) "Gender identity" has the meaning given that term in ORS 174.100.

28 (6) "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual
29 orientation, gender identity, national origin, marital status, veteran status, disability or age.

30 (7) "Public health emergency" means:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

4 (8) "Rate" with reference to wages means:

5 (a) The basis of compensation for services by an employee for an employer; and

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

8 (9) "Sexual orientation" has the meaning given that term in ORS 174.100.

9 (10) "System" means a consistent and verifiable method in use at the time that a violation is
10 alleged under ORS 652.220.

11 (11) "Unpaid wages" means the difference between the wages actually paid to an employee and
12 the wages required under ORS 652.220 to be paid to the employee.

13 (12) "Vaccine incentives" means monetary or nonmonetary incentives, including but not limited
14 to additional paid time off or protected time off from work provided by employers to employees who
15 have been immunized against infectious diseases for which a public health emergency has been de-
16 clared.

17 (13) "Veteran status" means an individual is a veteran as defined in ORS 408.225.

18 (14) "Wages" means all compensation for performance of service by an employee for an em-
19 ployer, whether paid by the employer or another person, or paid in cash or any medium other than
20 cash.

21 (15) "Working conditions" includes work environment, hours, time of day, physical surroundings
22 and potential hazards encountered by an employee.

23 (16) "Work of comparable character" means work that requires substantially similar knowledge,
24 skill, effort, responsibility and working conditions in the performance of work, regardless of job de-
25 scription or job title.

26 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
28 **on its passage.**

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