

Enrolled House Bill 3471

Sponsored by Representatives ANDERSEN, GRAYBER, Senator TAYLOR; Representatives
BYNUM, CHAICHI, HOLVEY, NELSON, NOSSE, RUIZ, Senators MEEK, PATTERSON

CHAPTER

AN ACT

Relating to employment provisions in agreements disposing of workers' compensation claims; and declaring an emergency.

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 659A.

SECTION 2. (1) As used in this section:

(a) "No-rehire provision" means any provision in an agreement barring a worker from seeking further employment, reemployment or reinstatement with an employer.

(b) "Settlement agreement" means a settlement agreement disposing of all or part of a worker's claim for workers' compensation under ORS chapter 656.

(c) "Worker" means a worker who has applied for benefits or invoked or utilized the procedures provided for in ORS chapter 656.

(2) With respect to offers to enter into a settlement agreement, it is an unlawful employment practice for an employer to:

(a) Make an offer to negotiate a settlement agreement conditional upon a worker also entering into an agreement that includes a no-rehire provision.

(b) Make an offer for a settlement agreement conditional upon the worker also entering into an agreement that includes a no-rehire provision unless:

(A) Prior to the offer, the worker has provided the employer with written confirmation of the worker's willingness to enter into an agreement that includes a no-rehire provision as a condition of entering into the settlement agreement; and

(B) The settlement offer affirmatively states that entering into the settlement agreement is conditional upon the worker also entering into an agreement that includes a no-rehire provision.

(3) Provided that the requirements under subsection (2)(b) of this section are met, it is not a violation of this section:

(a) For any party participating in negotiations for a settlement agreement to make or reject an offer for a settlement agreement that includes a no-rehire provision.

(b) For an employer to require a worker, as a condition of a settlement agreement, to also enter into an agreement that includes a no-rehire provision.

(4) It is not a violation of this section for an employer to make an offer to enter into a settlement agreement that includes a no-rehire provision when the following circumstances exist:

(a) The worker has not provided the written confirmation described in subsection (2)(b)(A) of this section; and

(b) The offer affirmatively states that the offer is not conditional upon the worker also entering in an agreement that includes a no-rehire provision.

(5) A worker may file a complaint under ORS 659A.820 for a violation of this section and may bring a civil action under ORS 659A.885 and recover a civil penalty of up to \$5,000 and relief as provided by ORS 659A.885 (1) to (3).

SECTION 3. Section 2 of this 2023 Act applies to settlement agreements entered into on or after the effective date of this 2023 Act.

SECTION 4. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House April 11, 2023

Received by Governor:

Repassed by House June 23, 2023

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2023

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Dan Rayfield, Speaker of House

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Tina Kotek, Governor

Passed by Senate June 22, 2023

Filed in Office of Secretary of State:

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Rob Wagner, President of Senate

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Secretary of State