Delete lines 6 through 20 of the printed A-engrossed bill and insert:

“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.”