

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2556**

1 On page 1 of the printed bill, line 2, after “292.063” insert a comma.

2 Delete line 3 and insert “652.610 and 652.615.”.

3 Delete lines 5 through 31 and delete pages 2 and 3 and insert:

4 **“SECTION 1.** ORS 652.610 is amended to read:

5 “652.610. (1)(a) All persons, firms, partnerships, associations, cooperative
6 associations, corporations, municipal corporations, the state and its political
7 subdivisions, except the federal government and its agencies, employing, in
8 this state, during any calendar month one or more persons, shall provide the
9 employee on regular paydays and at other times payment of wages, salary
10 or commission is made, with an itemized statement as described in paragraph
11 (b) of this subsection.

12 “(b) The statement required under this subsection must be a written
13 statement, sufficiently itemized to show:

14 “(A) The date of the payment;

15 “(B) The dates of work covered by the payment;

16 “(C) The name of the employee;

17 “(D) The name and business registry number or business identification
18 number;

19 “(E) The address and telephone number of the employer;

20 “(F) The rate or rates of pay;

21 “(G) Whether the employee is paid by the hour, shift, day or week or on

1 a salary, piece or commission basis;

2 “(H) Gross wages;

3 “(I) Net wages;

4 “(J) **An explanation, stated in plain language, of the amount and**
5 **purpose of each deduction made during the respective period of service that**
6 **the payment covers;**

7 “(K) Allowances, if any, claimed as part of minimum wage;

8 “(L) Unless the employee is paid on a salary basis and is exempt from
9 overtime compensation as established by local, state or federal law, the reg-
10 ular hourly rate or rates of pay, the overtime rate or rates of pay, the num-
11 ber of regular hours worked and pay for those hours, and the number of
12 overtime hours worked and pay for those hours; *[and]*

13 “(M) If the employee is paid a piece rate, the applicable piece rate or
14 rates of pay, the number of pieces completed at each piece rate and the total
15 pay for each rate[.];

16 “(N) **If the employee is a salaried employee who is paid on an hourly**
17 **basis, the hourly rate of pay for each hour worked and the minimum**
18 **weekly required amount paid on a salary basis, regardless of the**
19 **number of hours, days or shifts worked; and**

20 “(O) **If the employee receives shift differential pay or premium pay**
21 **for working outside of regular business hours or taking on additional**
22 **tasks, the applicable rate or rates of pay for the shift differential or**
23 **premium pay and the number of hours worked, along with the shift**
24 **differential pay or premium pay paid for those hours.**

25 “(c) Notwithstanding paragraph (b) of this subsection, the employer may
26 provide the statement required under this subsection to the employee in
27 electronic form pursuant to ORS 84.001 to 84.061 if:

28 “(A) The statement contains the information described in paragraph (b)
29 of this section;

30 “(B) The employee expressly agrees to receive the statement in electronic

1 form; and

2 “(C) The employee has the ability to print or store the statement at the
3 time of receipt.

4 “(2)(a) The statement may be attached to or be a part of the check, draft,
5 voucher or other instrument by which payment is made, or may be delivered
6 separately from the instrument.

7 “(b) The statement shall be provided electronically at the time payment
8 is made to all state officers and employees paid electronically under the state
9 payroll system as provided by ORS 292.026.

10 “(c) State agencies shall provide access to electronic statements to em-
11 ployees who do not have regular access to computers in their workplace.

12 “(d) Notwithstanding paragraph (b) of this subsection, if an officer or
13 employee paid under the state payroll system as provided by ORS 292.026
14 wants to receive payment of net salary and wages by check or to receive a
15 paper statement of itemized payroll deductions, the officer or employee shall
16 request paper statements or payment by check in accordance with the pro-
17 cedures adopted by rule by the Oregon Department of Administrative Ser-
18 vices.

19 “(3) An employer may not withhold, deduct or divert any portion of an
20 employee’s wages unless:

21 “(a) The employer is required to do so by law;

22 “(b) The deductions are voluntarily authorized in writing by the employee,
23 are for the employee’s benefit and are recorded in the employer’s books;

24 “(c) The employee has voluntarily signed an authorization for a deduction
25 for any other item, provided that the ultimate recipient of the money with-
26 held is not the employer and that the deduction is recorded in the employer’s
27 books;

28 “(d) The deduction is authorized by a collective bargaining agreement to
29 which the employer is a party;

30 “(e) The deduction is authorized under ORS 18.736; or

1 “(f) The deduction is made from the payment of wages upon termination
2 of employment and is authorized pursuant to a written agreement between
3 the employee and employer for the repayment of a loan made to the employee
4 by the employer, if all of the following conditions are met:

5 “(A) The employee has voluntarily signed the agreement;

6 “(B) The loan was paid to the employee in cash or other medium permit-
7 ted by ORS 652.110;

8 “(C) The loan was made solely for the employee’s benefit and was not
9 used, either directly or indirectly, for any purpose required by the employer
10 or connected with the employee’s employment with the employer;

11 “(D) The amount of the deduction at termination of employment does not
12 exceed the amount permitted to be garnished under ORS 18.385; and

13 “(E) The deduction is recorded in the employer’s books.

14 “(4) When an employer deducts an amount from an employee’s wages as
15 required or authorized by law or agreement, the employer shall pay the
16 amount deducted to the appropriate recipient as required by the law or
17 agreement. The employer shall pay the amount deducted within the time re-
18 quired by the law or the agreement or, if the time for payment is not speci-
19 fied by the law or agreement, within seven days after the date the wages
20 from which the deductions are made are due. Failure to pay the amount as
21 required constitutes an unlawful deduction.

22 “(5) This section does not:

23 “(a) Prohibit the withholding of amounts authorized in writing by the
24 employee to be contributed by the employee to charitable organizations, in-
25 cluding contributions made pursuant to ORS 663.110;

26 “(b) Prohibit deductions by checkoff dues to labor organizations or service
27 fees when the deductions are not otherwise prohibited by law; [*or*]

28 “(c) Diminish or enlarge the right of any person to assert and enforce a
29 lawful setoff or counterclaim or to attach, take, reach or apply an employee’s
30 compensation on due legal process[.];

1 “(d) For employees who are not subject to a collective bargaining
2 agreement, prohibit deductions made by an employer for an erroneous
3 overpayment of wages in an amount greater than the employee’s
4 entitlement provided that:

5 “(A) The deduction is made within six months from the date on
6 which the employee received the overpayment;

7 “(B) The employer waives any claim to recover any overpayments
8 for which more than six months have passed since the date of issuance
9 of the overpayment;

10 “(C) The employer gives the employee at least 14 days to consider
11 whether to enter into an agreement authorizing such a deduction;

12 “(D) The employer provides to the employee, at the time of signing
13 the agreement, a written statement itemizing the overpayment
14 amount and purpose of each deduction; and

15 “(E) The employee voluntarily signs the agreement authorizing
16 such a deduction; or

17 “(e) For employees who are subject to a collective bargaining
18 agreement, prohibit:

19 “(A) Subject employees from voluntarily entering into an agree-
20 ment described under paragraph (d) of this subsection that authorizes
21 employer deductions for an erroneous overpayment of wages in an
22 amount greater than an employee’s entitlement provided that the
23 agreement is authorized under the terms of the applicable collective
24 bargaining agreement; or

25 “(B) Deductions for an erroneous overpayment of wages that are
26 made by an employer provided that such deductions are authorized
27 under the terms of the applicable collective bargaining agreement.

28 “SECTION 2. ORS 292.063 is amended to read:

29 “292.063. (1) **Subject to the requirements under ORS 652.610**, when a
30 state employee receives payment of salary or wages in an amount greater

1 than the employee's entitlement, the amount of overpayment may be deducted
2 from salary or wages earned by the employee.

3 “(2) The deduction may be in such form and manner as the Oregon De-
4 partment of Administrative Services, by rule, may prescribe.

5 **“SECTION 3.** ORS 652.615 is amended to read:

6 “652.615. (1) There is hereby created a private cause of action for a vio-
7 lation of ORS 652.610 [(3)] for actual damages or \$200, whichever is greater.
8 In any such action the court may award to the prevailing party, in addition
9 to costs and disbursements, reasonable attorney fees.

10 **“(2) The statute of limitations applicable to an action brought**
11 **against an employer under this section alleging a violation of the re-**
12 **quirements under ORS 652.210 (5)(d) for erroneous overpayment de-**
13 **ductions is tolled until the employer provides to the employee alleging**
14 **the violation an itemized statement that meets the requirements of**
15 **ORS 652.610 (1).**

16 **“SECTION 4.** The amendments to ORS 292.063 and 652.610 by
17 sections 1 and 2 of this 2023 Act apply to collective bargaining agree-
18 ments entered into, renewed or extended on or after the effective date
19 of this 2023 Act.”.

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