

Requested by Senator TAYLOR

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3471**

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

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

3 **“(a) ‘No-rehire provision’ means any provision in an agreement**
4 **barring a worker from seeking further employment, reemployment or**
5 **reinstatement with an employer.**

6 **“(b) ‘Settlement agreement’ means a settlement agreement dispos-**
7 **ing of all or part of a worker’s claim for workers’ compensation under**
8 **ORS chapter 656.**

9 **“(c) ‘Worker’ means a worker who has applied for benefits or in-**
10 **voled or utilized the procedures provided for in ORS chapter 656.**

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

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

16 **“(b) Make an offer for a settlement agreement conditional on the**
17 **worker also entering into an agreement that includes a no-rehire**
18 **provision unless:**

19 **“(A) Prior to the offer, the worker has provided the employer with**
20 **written confirmation of the worker’s willingness to enter into an**
21 **agreement that includes a no-rehire provision as a condition of enter-**

1 **ing into the settlement agreement; and**

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

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

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

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

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

16 **“(a) The worker has not provided the written confirmation de-**
17 **scribed in subsection (2)(b)(A) of this section; and**

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

21 **“(5) A worker may file a complaint under ORS 659A.820 for a vio-**
22 **lation of this section and may bring a civil action under ORS 659A.885**
23 **and recover a civil penalty of up to \$5,000 and relief as provided by ORS**
24 **659A.885 (1) to (3).**

25 **“SECTION 3. Section 2 of this 2023 Act applies to settlement**
26 **agreements entered into on or after the effective date of this 2023**
27 **Act.”.**

28 _____