

Requested by Senator JAMA

**PROPOSED AMENDMENTS TO  
SENATE BILL 925**

1 On page 1 of the printed bill, line 3, delete “and 659A.360” and insert “,  
2 659A.360 and 659A.830”.

3 Delete lines 5 through 26 and delete page 2.

4 On page 3, delete lines 1 and 2 and insert:

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

6 **“(a) ‘Employee’ means an individual performing services for an**  
7 **employer for remuneration or under any contract for hire, written or**  
8 **oral, express or implied.**

9 **“(b) ‘Employer’ has the meaning given that term in ORS 652.210.**

10 **“(c) ‘Employment agency’ has the meaning given that term in ORS**  
11 **659A.001.**

12 **“(d) ‘Employment benefits’ includes, but is not limited to, health**  
13 **benefits, paid time off, retirement benefits and any other taxable**  
14 **benefits.**

15 **“(e) ‘Job posting’ means any solicitation intended to recruit appli-**  
16 **cants for an employment, promotion or transfer opportunity.**

17 **“(f) ‘Wage range’ means a range from the lowest to the highest**  
18 **salary or hourly wage that an employer sets in good faith as compen-**  
19 **sation for a particular employment position by referencing:**

20 **“(A) A predetermined compensation schedule;**

21 **“(B) A predetermined range of wages for the position;**

1       **“(C) The actual range of wages paid to other employees who hold**  
2 **equivalent positions; or**

3       **“(D) An allocated budget.**

4       **“(2) An employer or an employment agency may not:**

5       **“(a) Fail or refuse to disclose in any internal or external job posting**  
6 **for an employment, promotion or transfer opportunity, the wage or**  
7 **wage range, a general description of the employment benefits and any**  
8 **other compensation associated with the employment, promotion or**  
9 **transfer opportunity.**

10       **“(b) If an employment, promotion or transfer opportunity is not**  
11 **advertised in a job posting, fail or refuse to provide to an applicant**  
12 **who is applying for the opportunity the wage or wage range, a general**  
13 **description of the employment benefits and any other compensation**  
14 **associated with the opportunity:**

15       **“(A) Upon the request of the applicant; and**

16       **“(B) Prior to extending an offer or engaging in any discussion re-**  
17 **garding compensation.**

18       **“(c) Fail or refuse to provide each employee with the current wage**  
19 **or wage range, a general description of the employment benefits and**  
20 **any other compensation associated with the same or similar employ-**  
21 **ment positions held by other employees as follows:**

22       **“(A) At the time of hire;**

23       **“(B) Upon the transfer or promotion of the employee; and**

24       **“(C) Once per calendar year, upon the request of the employee.**

25       **“(d) Retaliate or in any way discriminate against an individual with**  
26 **respect to hire or tenure or any other term or condition of employ-**  
27 **ment because the individual has exercised a right protected under this**  
28 **section.**

29       **“(3)(a) An employer shall keep and maintain records for each em-**  
30 **ployee of the employer that include information sufficient for an em-**

1 **ployer to comply with the disclosure requirements of this section,**  
2 **including but not limited to:**

3 **“(A) The wage or wage range, general description of the employ-**  
4 **ment benefits and any other compensation associated with each em-**  
5 **ployment, promotion and transfer opportunity made available by the**  
6 **employer.**

7 **“(B) The wage rate history of each employee employed by the em-**  
8 **ployer.**

9 **“(b) An employer shall retain a record described in paragraph (a)**  
10 **of this subsection throughout the duration of the employee’s employ-**  
11 **ment with the employer and for at least two years following the date**  
12 **on which the employee ceases to be employed by the employer.**

13 **“(4) This section applies to positions that will be performed or are**  
14 **able to be performed in whole or in part in this state.**

15 **“(5) The recordkeeping provisions of subsection (3) of this section**  
16 **and the enforcement provisions of subsections (7) and (8) of this sec-**  
17 **tion do not apply to employers that employ fewer than 15 employees.**

18 **“(6) In determining whether a wage range was set by an employer**  
19 **in good faith, a trier of fact in administrative action brought under**  
20 **this section may consider, in addition to any other relevant factors,**  
21 **the breadth of the wage range.**

22 **“(7) A violation of this section is an unlawful practice under ORS**  
23 **chapter 659A. An individual alleging a violation of this section may file**  
24 **a complaint under ORS 659A.820 with the Commissioner of the Bureau**  
25 **of Labor and Industries. An individual must file the complaint with**  
26 **the commissioner within one year of the occurrence of the conduct**  
27 **that gave rise to the complaint. The commissioner shall enforce the**  
28 **provisions of this section in the manner provided in ORS chapter 659A**  
29 **regarding other unlawful practices.**

30 **“(8)(a) In addition to any other relief provided by law, the commis-**

1 sioner may assess a civil penalty against an employer or employment  
2 agency that violates this section as follows:

3 “(A) \$1,000 for a first violation.

4 “(B) For each subsequent violation, the penalty amount shall in-  
5 crease by \$1,000, but at no time shall the total amount of a penalty  
6 assessed against an employer or employment agency under this para-  
7 graph exceed \$10,000.

8 “(b) Any monetary civil penalty under this subsection shall be im-  
9 posed in the manner provided by ORS 183.745.

10 “(c) The commissioner shall deposit a civil penalty assessed under  
11 this subsection in the Bureau of Labor and Industries Account under  
12 ORS 651.160.”.

13 Delete lines 35 through 43 and insert:

14 “**SECTION 4.** ORS 659A.830 is amended to read:

15 “659A.830. (1) Except as provided in subsection (5) of this section, all au-  
16 thority of the Commissioner of the Bureau of Labor and Industries to con-  
17 duct investigations or other proceedings to resolve a complaint filed under  
18 ORS 659A.820 ceases upon the filing of a civil action by the complainant  
19 alleging the same matters that are the basis of the complaint under ORS  
20 659A.820.

21 “(2)(a) Except as provided in [*paragraph (b)*] **paragraphs (b) and (c)** of  
22 this subsection, the commissioner may dismiss a complaint at any time after  
23 the complaint is filed. Upon the written request of the person who filed the  
24 complaint under ORS 659A.820, the commissioner shall dismiss the com-  
25 plaint. Upon dismissal of the complaint, the commissioner shall issue a  
26 90-day notice if notice is required under ORS 659A.880.

27 “(b) Paragraph (a) of this subsection does not apply to a complaint al-  
28 leging an unlawful practice under ORS 659A.145 or 659A.421 or discrimi-  
29 nation under federal housing law. The commissioner shall dismiss a  
30 complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or

1 discrimination under federal housing law if the commissioner finds no sub-  
2 stantial evidence that an unlawful practice or discriminatory housing prac-  
3 tice has occurred or is about to occur.

4 **“(c) Upon receipt of a complaint against an employer or an em-  
5 ployment agency alleging a violation of section 1 of this 2023 Act, the  
6 commissioner shall review the past complaint history of the employer  
7 or employment agency to determine whether the employer or employ-  
8 ment agency has any prior violations of section 1 of this 2023 Act. If  
9 the commissioner determines that the employer or employment  
10 agency does not have any prior violations of section 1 of this 2023 Act,  
11 the commissioner shall dismiss the complaint. Upon dismissal of the  
12 complaint, the commissioner shall issue a letter of explanation or ed-  
13 ucation to the employer or the employment agency.**

14 “(3) Except as provided in this section, all authority of the commissioner  
15 to conduct investigations or other proceedings to resolve a complaint filed  
16 under ORS 659A.820 ceases one year after the complaint is filed unless the  
17 commissioner has issued a finding of substantial evidence under ORS  
18 659A.835 during the one-year period. Unless it is impracticable to do so, the  
19 commissioner shall make a final administrative disposition of a complaint  
20 alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimi-  
21 nation under federal housing law no later than one year after receipt of the  
22 complaint.

23 “(4) The authority of the commissioner to conduct investigations or other  
24 proceedings to resolve a complaint filed under ORS 659A.820 alleging an  
25 unlawful practice under ORS 659A.403 or 659A.406 continues until the filing  
26 of a civil action by the complainant or until the commissioner dismisses the  
27 proceedings, enters into a settlement agreement or enters a final order in the  
28 matter after a hearing under ORS 659A.850.

29 “(5) The authority of the commissioner to conduct investigations or other  
30 proceedings to resolve a complaint filed under ORS 659A.820 alleging an

1 unlawful practice under ORS 659A.145 or 659A.421 or discrimination under  
2 federal housing law does not cease upon the filing of a civil action by the  
3 complainant, but ceases upon the commencement of a trial in the civil  
4 action.

5 “(6) The authority of the commissioner to conduct investigations or other  
6 proceedings to resolve a complaint filed under ORS 659A.820 alleging a vio-  
7 lation of ORS 659A.145 or 659A.421 or 659A.406 does not cease under sub-  
8 section (3) of this section if the issuance of a finding of substantial evidence  
9 under ORS 659A.835 within the time allowed under subsection (3) of this  
10 section is not practicable. The commissioner shall notify the parties in  
11 writing of the reasons that the issuance of substantial evidence cannot be  
12 made within the time allowed.

13 “(7) Nothing in this section affects the ability of the commissioner to  
14 enforce any order entered by the commissioner or to enforce any settlement  
15 agreement signed by a representative of the commissioner.

16 **“SECTION 5. (1) Section 1 of this 2023 Act and the amendments to**  
17 **ORS 659A.357, 659A.360 and 659A.830 by sections 2 to 4 of this 2023 Act**  
18 **become operative on January 2, 2024.**

19 **“(2) The Commissioner of the Bureau of Labor and Industries may**  
20 **adopt rules and take any other action before the operative date speci-**  
21 **fied in subsection (1) of this section that is necessary to enable the**  
22 **commissioner, on and after the operative date specified in subsection**  
23 **(1) of this section, to undertake and exercise all of the duties, func-**  
24 **tions and powers conferred on the commissioner under section 1 of**  
25 **this 2023 Act and the amendments to ORS 659A.830 by section 4 of this**  
26 **2023 Act.**

27 **“SECTION 6. This 2023 Act takes effect on the 91st day after the**  
28 **date on which the 2023 regular session of the Eighty-second Legislative**  
29 **Assembly adjourns sine die.”.**

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