

HOUSE AMENDMENTS TO HOUSE BILL 4127

By COMMITTEE ON BUSINESS AND LABOR

February 20

1 On page 1 of the printed bill, line 2, before the period insert “; creating new provisions; and
2 amending ORS 653.256”.

3 Delete lines 10 through 12 and insert:

4 “(2)(a) ‘Employee’ means an employee who is subject to federal or state laws relating to mini-
5 mum wage and overtime and who works at a warehouse distribution center.”.

6 On page 2, line 42, delete the first “the” and insert “any”.

7 On page 3, line 5, after “section” insert “, in the language the employer regularly uses to com-
8 municate with the employee,”.

9 Delete lines 11 through 29 and insert:

10 “(3)(a) An employer may not take an adverse employment action against an employee for failing
11 to meet a quota for which an employee did not receive written documentation required under sub-
12 section (1) of this section.

13 “(b) A person who alleges a violation of this section may file a complaint with the Commissioner
14 of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

15 “**SECTION 4. Employee right to request.** (1) If a current or former employee of an employer
16 believes that the employee has been disciplined for failing to meet a quota, the current or former
17 employee shall have a right, upon request, to receive records as follows:”.

18 On page 4, delete lines 6 through 10 and insert:

19 “(5) The Commissioner of the Bureau of Labor and Industries may order an employer to produce
20 the records described under this section.

21 “(6) An employer’s failure to comply with the requirements of this section shall subject the em-
22 ployer to a civil penalty under ORS 653.256.

23 “**SECTION 5. Effect of collective bargaining agreement.** **Sections 3 and 4 of this 2024 Act**
24 **do not apply to an employer who is subject to a collective bargaining agreement:**

25 “(1) **Under which employees are subject to a performance evaluation metric that is sub-**
26 **ject to review and negotiation according to the terms of the agreement; and**

27 “(2) **That provides for rights to request records that are substantially equivalent to the**
28 **rights provided under section 4 of this 2024 Act.**

29 “**SECTION 6. Nothing in sections 2 to 4 of this 2024 Act relieves an employer of the ob-**
30 **ligation to comply with any other provision of law, including the provisions of ORS chapter**
31 **652, 653 or 654.**

32 “**SECTION 7.** ORS 653.256 is amended to read:

33 “653.256. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau
34 of Labor and Industries may assess a civil penalty not to exceed \$1,000 against any person that
35 willfully violates ORS 653.025, 653.030, 653.045, 653.050, 653.060, 653.261, 653.265, 653.272, 653.606,

1 653.611, 653.616, 653.621, 653.626, 653.631 or 653.636 or section 5, chapter 537, Oregon Laws 2015,
2 **or section 4 of this 2024 Act**, or any rule adopted thereunder.

3 “(2) In addition to any other penalty provided by law, the commissioner may assess a civil pen-
4 alty not to exceed \$1,000 against any person that intentionally violates ORS 653.077 or any rule
5 adopted thereunder.

6 “(3) Civil penalties authorized by this section shall be imposed in the manner provided in ORS
7 183.745.

8 “(4)(a) All sums collected as penalties under this section shall be first applied toward re-
9 imbursement of costs incurred in determining the violations, conducting hearings under this section
10 and addressing and collecting the penalties.

11 “(b) The remainder, if any, of the sums collected as penalties under subsection (1) of this section
12 shall be paid over by the commissioner to the Department of State Lands for the benefit of the
13 Common School Fund of this state. The department shall issue a receipt for the money to the com-
14 missioner.

15 “(c) The remainder, if any, of the sums collected as penalties under subsection (2) of this section
16 shall be paid over by the commissioner to the Department of Human Services for the benefit of the
17 Breastfeeding Mother Friendly Employer Project. The department shall issue a receipt for the
18 moneys to the commissioner.”.

19 In line 11, delete “6” and insert “8”.

20 In line 13, delete “7” and insert “9”.

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