

Requested by Representative BOSHART DAVIS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4050**

1 On page 1 of the printed bill, line 2, after the first semicolon insert  
2 “creating new provisions;”.

3 Delete lines 5 through 28 and delete page 2 and insert:

4 **“SECTION 1.** ORS 652.220 is amended to read:

5 “652.220. (1) It is an unlawful employment practice under ORS chapter  
6 659A for an employer to:

7 “(a) In any manner discriminate between employees on the basis of a  
8 protected class in the payment of wages or other compensation for work of  
9 comparable character.

10 “(b) Pay wages or other compensation to any employee at a rate greater  
11 than that at which the employer pays wages or other compensation to em-  
12 ployees of a protected class for work of comparable character.

13 “(c) Screen job applicants based on current or past compensation.

14 “(d) Determine compensation for a position based on current or past  
15 compensation of a prospective employee. This paragraph is not intended to  
16 prevent an employer from considering the compensation of a current em-  
17 ployee of the employer during a transfer, move or hire of the employee to a  
18 new position with the same employer.

19 “(2) Notwithstanding subsection (1) of this section:

20 “(a) An employer may pay employees for work of comparable character  
21 at different compensation levels if all of the difference in compensation lev-

1 els is based on a bona fide factor that is related to the position in question  
2 and is based on:

3 “(A) A seniority system;

4 “(B) A merit system;

5 “(C) A system that measures earnings by quantity or quality of pro-  
6 duction, including piece-rate work;

7 “(D) Workplace locations;

8 “(E) Travel, if travel is necessary and regular for the employee;

9 “(F) Education;

10 “(G) Training;

11 “(H) Experience; or

12 “(I) Any combination of the factors described in this paragraph, if the  
13 combination of factors accounts for the entire compensation differential.

14 “(b) An employer may pay employees for work of comparable character  
15 at different compensation levels on the basis of one or more of the factors  
16 listed in paragraph (a) of this subsection that are contained in a collective  
17 bargaining agreement.

18 “**(c)(A) An employer may pay employees for work of comparable**  
19 **character at different compensation levels pursuant to a retention**  
20 **bonus, provided that:**

21 “**(i) The employer does not discriminate between employees on the**  
22 **basis of a protected class in the payment of the bonus; and**

23 “**(ii) The retention bonus paid accounts for the entire compensation**  
24 **differential.**

25 “**(B) Nothing in this section prohibits an employer from condition-**  
26 **ing the employee’s eligibility for a retention bonus upon a requirement**  
27 **that the employee work for the employer for a specified period of time**  
28 **that is at least 30 days.**

29 “(3) An employer may not in any manner discriminate in the payment of  
30 wages or other compensation against any employee because the employee has

1 filed a complaint under ORS 659A.820 or in a proceeding under ORS 652.210  
2 to 652.235 or 659A.885 or has testified, or is about to testify, or because the  
3 employer believes that the employee may testify, in any investigation or  
4 proceedings pursuant to ORS 652.210 to 652.235, 659A.830 or 659A.885 or in  
5 a criminal action pursuant to ORS 652.210 to 652.235.

6 “(4) An employer may not reduce the compensation level of an employee  
7 to comply with the provisions of this section.

8 “(5) It is not a violation of this section for an employer to pay a different  
9 level of compensation to an employee who:

10 “(a) Pursuant to a claim for a compensable injury under ORS chapter 656,  
11 receives wages for modified work; or

12 “(b) As a result of a medical condition, is temporarily performing modified  
13 work that is:

14 “(A) Authorized by a medical professional licensed under ORS chapter  
15 677; or

16 “(B) Requested by the employee and authorized by the employer in a  
17 manner that does not discriminate against employees on the basis of a pro-  
18 tected class.

19 “(6) Amounts owed to an employee because of the failure of the employer  
20 to comply with the requirements of this section are unpaid wages.

21 “(7) An employee who asserts a violation under this section may file a  
22 complaint with the Commissioner of the Bureau of Labor and Industries  
23 under ORS 659A.820, a civil action under ORS 652.230 or a civil action under  
24 659A.885.

25 “(8) An employer shall post a notice of the requirements of this section  
26 in every establishment where employees work. The Bureau of Labor and In-  
27 dustries shall make available to employers a template that meets the re-  
28 quired notice provisions of this section.

29 **“SECTION 2. Section 3 of this 2024 Act is added to and made a part**  
30 **of ORS 652.210 to 652.235.**

1       **“SECTION 3. (1) The Bureau of Labor and Industries shall conduct**  
2 **a study to determine the impact of implementation of chapter 197,**  
3 **Oregon Laws 2017 (Enrolled House Bill 2005), on identified compen-**  
4 **sation differentials between employees who perform work of compa-**  
5 **erable character in this state. The study must:**

6       **“(a) Include a comparative analysis of the stated goals of the bill**  
7 **and actual outcomes realized since the bill was enacted; and**

8       **“(b) Include a comparison of the pay equity laws of other states,**  
9 **including the impacts of the implementation of such laws on any**  
10 **identified compensation differentials between employees who perform**  
11 **work of comparable character in those states.**

12       **“(2) The bureau shall submit a report of its findings and conclusions**  
13 **in the manner provided by ORS 192.245, including recommendations for**  
14 **legislation, to the interim committees of the Legislative Assembly re-**  
15 **lated to business and labor no later than December 1, 2024.**

16       **“SECTION 4. Section 3 of this 2024 Act is repealed on January 2,**  
17 **2025.**

18       **“SECTION 5. This 2024 Act being necessary for the immediate**  
19 **preservation of the public peace, health and safety, an emergency is**  
20 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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