

Senate Bill 858

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Employment Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes changes to laws related to paid family and medical leave. The Act becomes law 91 days from sine die. (Flesch Readability Score: 74.0).

Requires the Director of the Employment Department to conduct periodic assessments to determine the solvency of the Paid Family and Medical Leave Insurance Fund. Specifies the actions that the director may take to maintain or restore solvency when the director determines there is a risk of insolvency.

Makes technical changes to statutory provisions concerning the administration of the family and medical leave insurance program.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the administration of the family and medical leave insurance program; creating new
3 provisions; amending ORS 657B.030, 657B.050, 657B.090, 657B.210, 657B.400 and 657B.410 and
4 section 2, chapter 19, Oregon Laws 2024; and prescribing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** Section 2, chapter 19, Oregon Laws 2024, is amended to read:

7 **Sec. 2.** (1) As used in this section:

8 (a) "Family leave for parental bonding" means the family leave described under ORS 657B.010
9 (18)(a)(A).

10 (b) "Grant" means a grant described under ORS 657B.200.

11 (c) **"Insolvency" means that the cumulative amount of contributions collected under the**
12 **provisions of this chapter and any other moneys deposited in the Paid Family and Medical**
13 **Leave Insurance Fund are insufficient to pay, in full and in a timely manner, projected**
14 **expenditures for a specified period of time.**

15 [(c)] (d) "Projected [*expenses*] **expenditures**" means benefits anticipated to be claimed [*by cov-*
16 *ered individuals*] under ORS 657B.090, anticipated grant awards, any anticipated costs and expenses
17 associated with processing payments of the benefits and grant awards, **administrative or opera-**
18 **tional expenses, including for staffing**, and any other expenses anticipated to be incurred by the
19 Employment Department in carrying out the provisions of this chapter.

20 [(d)] (e) "Solvency of the fund" [*and "solvent" mean*] **means** that the cumulative amount of
21 contributions collected under the provisions of this chapter and any other moneys deposited in the
22 fund are sufficient to pay, in full and in a timely manner, [*not less than six months of projected ex-*
23 *penses*] **projected expenditures for a specified period of time.**

24 (2) The Director of the Employment Department shall periodically assess the Paid Family and
25 Medical Leave Insurance Fund established under ORS 657B.430 to make determinations regarding

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the solvency of the fund. The director shall use actuarial calculations in making such determinations
2 and may consider any relevant information including, but not limited to:

3 (a) The total cost of administrative expenses incurred by the department during the six-month
4 period immediately preceding a periodic assessment of the fund.

5 (b) The number of grant applications received by the department in the calendar year imme-
6 diately preceding a periodic assessment of the fund.

7 (c) The total grants awarded in the calendar year immediately preceding a periodic assessment
8 of the fund.

9 (d) The average amount of weekly benefits paid in the calendar year immediately preceding a
10 periodic assessment of the fund.

11 (e) Annual predictable birth rate data.

12 (3) **Subject to the notice requirements under subsection (8) of this section and**
13 notwithstanding any other provision under this chapter, if, pursuant to subsection (2) of this section,
14 the director determines that the [*fund is or may be insolvent*] **risk of insolvency is such that the**
15 **moneys in the fund are insufficient to pay at least six months of projected expenditures**, the
16 director may take any of the following actions to maintain or restore the solvency of the fund:

17 (a) Adjust the maximum weekly benefit amount provided under ORS 657B.050 (2)(a) so that the
18 maximum weekly benefit amount is less than 120 percent but not less than 100 percent of the aver-
19 age weekly wage.

20 (b) Adjust the weekly benefit amount available to eligible employees under ORS 657B.050 (1)(b)
21 such that the employee's weekly benefit amount is the sum of:

22 (A) 65 percent of the average weekly wage; and

23 (B) Not less than 40 percent of the employee's average weekly wage that is greater than 65
24 percent of the average weekly wage.

25 (4) **Subject to the notice requirements under subsection (8) of this section and**
26 notwithstanding any other provision under this chapter:

27 (a) Except as provided in paragraph (b) of this subsection, if, after taking both of the actions
28 authorized under subsection (3)(a) and (b) of this section, it is apparent to the director that the [*fund*
29 *is or may be insolvent*] **risk of insolvency is such that the moneys in the fund are insufficient**
30 **to pay at least six months of projected expenditures**, the director may reduce the number of
31 weeks that would otherwise be available to a covered individual under ORS 657B.020 (1) to reflect
32 that a covered individual may qualify for 10 weeks of family and medical leave insurance benefits
33 per benefit year for family leave, medical leave and safe leave taken individually or in any combi-
34 nation.

35 (b) Nothing in this subsection authorizes the director to reduce the number of weeks that would
36 otherwise be available to a covered individual under ORS 657B.020 (1) for family leave for parental
37 bonding taken individually or in combination with:

38 (A) Other family leave, medical leave or safe leave; and

39 (B) The leave for which a covered individual may qualify under ORS 657B.020 (3).

40 (5)[(a)] **Subject to subsection (7) of this section:**

41 (a) Whenever an adjustment to benefits occurs as a result of any action taken by the director
42 pursuant to subsections (3) and (4) of this section, the adjustment shall remain effective for not more
43 than five calendar years from the date on which the action was taken.

44 (b) The director shall discontinue the use of **subsections (3) and (4) of this section** to determine
45 appropriate benefits and shall resume determining benefits in accordance with ORS 657B.020 and

1 657B.050 not later than whichever of the following first occurs:

2 (A) Upon the director’s determination that resuming determinations in accordance with the
 3 provisions of those sections will not cause volatility in the fund or with respect to the adminis-
 4 tration of the family and medical leave insurance program.

5 (B) The date described under paragraph (a) of this subsection.

6 (6) Any action taken by the director under **subsections (3) and (4) of this section** shall apply
 7 to benefits to be claimed in benefit years beginning on or after the first day of the first calendar
 8 quarter following the date on which the action was taken.

9 **(7)(a) Subject to the notice requirements under subsection (8) of this section and**
 10 **notwithstanding any other provision under this chapter, if, at any time, pursuant to sub-**
 11 **section (2) of this section, the director determines that the risk of insolvency is such that**
 12 **the moneys in the fund are insufficient to pay at least one month of projected expenditures,**
 13 **the director may suspend paying:**

14 (A) **Benefits to covered individuals, including benefits adjusted under subsections (3) and**
 15 **(4) of this section; and**

16 (B) **Grant awards.**

17 (b) **When the director determines that the solvency of the fund is sufficient to pay at**
 18 **least two months of projected expenditures, the director shall recommence paying benefits**
 19 **and grant awards as provided under paragraph (c) of this subsection.**

20 (c) **In recommencing payments, the director shall:**

21 (A) **Pay benefits to covered individuals in an amount that the covered individual would**
 22 **otherwise have received had the director not elected to suspend paying benefits under this**
 23 **subsection.**

24 (B) **Pay grant awards in accordance with ORS 657B.200.**

25 (C) **Prioritize claims for benefits and applications for grants in the chronological order**
 26 **in which the claims or applications are filed with the director.**

27 [(7)] (8) The director shall provide at least 30 days’ advance notice to the public of any changes
 28 to benefits **or grant awards** resulting from any action taken by the director under this section, in-
 29 cluding the effective date of such changes. The director shall give notice to the public by posting
 30 the information on the website maintained by the department. **Any notice provided under this**
 31 **subsection shall remain in effect until revoked by the director.**

32 **SECTION 2.** ORS 657B.030, as amended by section 5, chapter 20, Oregon Laws 2024, is amended
 33 to read:

34 657B.030. (1) Family and medical leave insurance benefits are in addition to any paid sick time
 35 under ORS 653.606, vacation leave or other paid leave earned by an employee.

36 (2)(a) Except as otherwise provided in paragraph (b) of this subsection, an employee is entitled
 37 to use any accrued paid sick leave, accrued paid vacation leave or any other paid leave that is of-
 38 fered by the employer in addition to receiving paid family and medical leave insurance benefits
 39 during a period of leave taken for family leave, medical leave or safe leave to the extent that the
 40 total combined amount of accrued paid leave and benefits received by the employee does not exceed
 41 an amount equal to the employee’s full wage replacement during the period of family leave, medical
 42 leave or safe leave.

43 (b) An employer may permit an employee to use accrued paid leave in addition to receiving paid
 44 family and medical leave insurance benefits such that the total combined amounts received by the
 45 employee may exceed the employee’s full wage replacement amount as described in paragraph (a)

1 of this subsection.

2 (3) Subject to the terms of any agreement between the employee and the employer or the terms
3 of a collective bargaining agreement, the employer may determine the particular order in which
4 accrued leave is to be used when more than one type of accrued leave is available to the covered
5 individual.

6 (4) In any week in which an employee is eligible to receive workers' compensation time loss
7 benefits under ORS chapter 656 or *[unemployment benefits under ORS chapter 657]* **wage replace-**
8 **ment benefits under a state or federal unemployment benefits program**, the employee is dis-
9 qualified from receiving family and medical leave insurance benefits.

10 **SECTION 3.** ORS 657B.050, as amended by section 6, chapter 20, Oregon Laws 2024, is amended
11 to read:

12 657B.050. (1) The Director of the Employment Department shall set the weekly benefit amount
13 of family and medical leave insurance benefits that a covered individual qualifies for as follows:

14 (a) If the eligible employee's average weekly wage is equal to or less than 65 percent of the
15 average weekly wage, the employee's weekly benefit amount shall be 100 percent of the employee's
16 average weekly wage.

17 (b) If the eligible employee's average weekly wage is greater than 65 percent of the average
18 weekly wage, the employee's weekly benefit amount is the sum of:

19 (A) 65 percent of the average weekly wage; and

20 (B) 50 percent of the employee's average weekly wage that is greater than 65 percent of the
21 average weekly wage.

22 (2) Notwithstanding subsection (1) of this section, the director shall establish:

23 (a) A maximum weekly benefit amount of 120 percent of the average weekly wage.

24 (b) A minimum weekly benefit amount of five percent of the average weekly wage.

25 (3) The director shall determine, based on the contribution amounts made by a self-employed
26 individual, a tribal government or the employees of a tribal government under ORS 657B.150, the
27 amount of benefits payable to a self-employed individual or to an employee of a tribal government.

28 *[(4) Benefits are payable only to the extent that moneys are available in the Paid Family and
29 Medical Leave Insurance Fund for that purpose. The state, any political subdivision of the state and
30 any state agency are not liable for any amount in excess of this limit.]*

31 *[(5)]* (4) Benefits payable under this section are exempt from garnishment except for:

32 (a) Child or spousal support garnishments; and

33 (b) Restitution for crime victims.

34 **SECTION 4.** ORS 657B.090 is amended to read:

35 657B.090. (1) **Except as otherwise provided under this section**, family and medical leave in-
36 surance benefits are not payable to a covered individual unless:

37 (a) The individual submits a claim to the Director of the Employment Department in the manner
38 determined by the director by rule; and

39 (b) The director has made a decision to allow or deny the claim under ORS 657B.100.

40 (2) If the director has made a decision to allow the claim, the director shall make a reasonable
41 effort to issue the first payment of benefits to a covered individual within two weeks after receiving
42 the claim.

43 (3)(a) Benefits may be claimed for leave that is taken by a covered individual in increments that
44 are equivalent to one work day or one work week as those terms are defined by the director by rule.

45 (b) If a covered individual takes leave in increments that are equivalent to one work day, ben-

1 efits may be claimed for leave that occurs in nonconsecutive periods of leave.

2 (4) Benefit amounts, as determined under ORS 657B.050:

3 (a) Must be prorated to increments that are equivalent to one work day; and

4 (b) Must be paid in increments that are equivalent to one work week.

5 **(5)(a) If a covered individual dies or becomes incapacitated before submitting a claim to**
 6 **the director for payment of family and medical leave insurance benefits or before the direc-**
 7 **tor has made a final decision regarding the approval or denial of a pending or existing claim**
 8 **previously submitted to the director, an authorized agent may engage in any of the following**
 9 **activities on behalf of the deceased or incapacitated covered individual:**

10 **(A) Submit a claim for benefits to the director for a qualifying purpose under ORS**
 11 **657B.020 and in the manner prescribed by the director by rule.**

12 **(B) Receive information about benefits due or paid by the director to the covered indi-**
 13 **vidual.**

14 **(C) Receive information concerning decisions regarding existing or pending claims previ-**
 15 **ously submitted to the director.**

16 **(D) Submit any additional information the director deems necessary to complete a claim**
 17 **for benefits.**

18 **(b) Actions taken on behalf of a deceased or incapacitated covered individual by an au-**
 19 **thorized agent under this subsection are binding on the covered individual.**

20 **(c) The payment of benefits by the director to an incapacitated covered individual under**
 21 **this section, or to the estate of a deceased individual in accordance with ORS 293.490, re-**
 22 **leases the director from any future liability with respect to such benefits.**

23 **(6) The director shall adopt rules to implement the provisions of this section. At a mini-**
 24 **imum, the rules must:**

25 **(a) Provide the requirements for the designation or authorization of an authorized agent.**

26 **(b) Establish when an authorized agent's authority to act on behalf of a deceased or in-**
 27 **capacitated covered individual expires.**

28 **(7) As used in this section:**

29 **(a) "Authorized agent" means an individual who:**

30 **(A) Has been specifically designated by a covered individual in the manner prescribed by**
 31 **the director by rule to act on behalf of the covered individual; or**

32 **(B) Is authorized under rules adopted by the director to act on behalf of a covered indi-**
 33 **vidual.**

34 **(b) "Incapacitated" has the meaning given that term under ORS 125.005.**

35 **SECTION 5.** ORS 657B.210 is amended to read:

36 657B.210. (1)(a) An employer may apply to the Director of the Employment Department for ap-
 37 proval of an employer-offered benefit plan that provides family and medical leave insurance benefits
 38 to the employer's employees.

39 (b) An employer that seeks approval of a plan shall submit an application to the director in the
 40 form and manner prescribed by the director by rule, accompanied by an application fee not to ex-
 41 ceed \$250.

42 (2) The director shall review and approve an application for a plan if the director finds that:

43 (a) The plan is made available to all employees who have been continuously employed with an
 44 employer for 30 days.

45 (b) The benefits afforded to employees covered under the plan are equal to or greater than the

1 weekly benefits and the duration of leave that an eligible employee would qualify for under this
2 chapter.

3 (3) An employer may make a plan available to employees who have been employed by the em-
4 ployer for less than 30 days but in no event may an employer require an employee to have been
5 employed by the employer for more than 30 days to be eligible for coverage under the plan.

6 (4) Neither an employer that provides benefits under an approved plan nor an employee covered
7 under such a plan is required to make the contributions under ORS 657B.150 **for any calendar**
8 **quarter that begins on or after the effective date of an approved plan, and thereafter, for the**
9 **duration of the approved plan.**

10 (5)(a) An employer may assume all or a part of the costs related to a plan approved under this
11 section.

12 (b) If an employer assumes only part of the costs, the employer may deduct employee contribu-
13 tions from the wages of employees to finance the costs related to the plan, except that any contri-
14 bution amounts deducted may not exceed the amount that an employee would otherwise be required
15 to contribute under ORS 657B.150.

16 (c) Employee contributions received or retained by an employer under this subsection must be
17 used for plan expenses and are not considered to be a part of an employer's assets for any purpose.

18 (6) Any paid sick leave earned under ORS 653.606 is in addition to the benefits made available
19 under a plan that has been approved under this section.

20 (7) An employee who takes leave pursuant to a plan approved under this section shall provide
21 notice to an employer of such leave in the same manner as provided in ORS 657B.040.

22 (8) A plan approved under this section shall remain in effect for a period of not less than one
23 year.

24 (9) Nothing in this section prohibits an employee who is otherwise eligible from applying for
25 coverage under the program established under ORS 657B.340 or under a separate employer-offered
26 plan that has been approved under this section.

27 (10) The director shall adopt rules that require that the benefits made available to an eligible
28 employee who is covered under more than one plan shall be prorated under each respective plan.

29 (11) An employer that offers a plan approved under this section shall:

30 (a) Be subject to the same requirements provided in ORS 657B.060 and 657B.070;

31 (b) Maintain all reports, information and records relating to the plan, including payroll and ac-
32 count records that document employee contributions and expenses, in the manner established by the
33 director by rule; and

34 (c) Provide written notice to employees that includes:

35 (A) Information about benefits available under the approved plan, including the duration of
36 leave;

37 (B) The process for filing a claim to receive benefits under the plan;

38 (C) The process for employee deductions used to finance the costs of the plan, if any;

39 (D) An employee's right to dispute a benefit determination in the manner determined by the di-
40 rector under ORS 657B.420;

41 (E) The right to job protection and benefits continuation, if applicable; and

42 (F) A statement that discrimination and retaliatory personnel actions against an employee for
43 inquiring about the family and medical leave insurance program established under ORS 657B.340,
44 giving notification of leave under the program, taking leave under the program or claiming family
45 and medical leave insurance benefits are prohibited.

1 (12) Benefits received under this section are considered wages for purposes of a wage claim
2 under ORS chapter 652.

3 (13) An employer whose application for plan approval was denied by the director under this
4 section or terminated by the director under ORS 657B.220 may request review of the decision as
5 provided in ORS 657B.410.

6 **SECTION 6.** ORS 657B.400 is amended to read:

7 657B.400. (1) Except as provided in subsections (2) to (7) and (10) of this section, all information
8 in the records of the Employment Department or a third party administrator pertaining to the ad-
9 ministration of this chapter:

10 (a) Is confidential and for the exclusive use and information of the Director of the Employment
11 Department in administering this chapter;

12 (b) May not be used in any court action or in any proceeding pending in the court unless the
13 director or the State of Oregon is a party to the action or proceeding or unless the action or pro-
14 ceeding concerns the establishment, enforcement or modification of a support obligation and support
15 services are being provided by the Division of Child Support of the Department of Justice or the
16 district attorney pursuant to ORS 25.080; and

17 (c) Is exempt from disclosure under ORS 192.311 to 192.478.

18 (2) The Employment Department may disclose information:

19 (a) To the extent necessary for the payment of benefits or collection of contributions due under
20 this chapter:

21 (A) To any claimant or employer; or

22 (B) To a legal representative, **an authorized agent described under ORS 657B.090** or *[other]*
23 **another** designee authorized by a claimant or employer in accordance with any rules adopted by
24 the director regarding the receipt of confidential information on behalf of a claimant or employer.

25 (b) Upon request to the United States Attorney's Office. Under this paragraph, the Employment
26 Department may disclose an individual's employment and wage information in response to a federal
27 grand jury subpoena or for the purpose of collecting civil and criminal judgments issued by a federal
28 court, including restitution and special assessment fees. The information disclosed is confidential
29 and may not be used for any other purpose. The costs of disclosing information under this paragraph
30 shall be paid by the United States Attorney's Office.

31 (3) At the discretion of the director and subject to an interagency agreement, the Employment
32 Department may disclose, upon request, information:

33 (a) To state or local child support enforcement agencies enforcing child support obligations for
34 the purposes of establishing child support obligations, locating individuals owing child support obli-
35 gations and collecting child support obligations from those individuals. The information disclosed is
36 confidential and may not be used for any other purpose. The costs of disclosing information under
37 this paragraph shall be paid by the child support enforcement agency.

38 (b) To agencies participating in an income and eligibility verification system for the purpose of
39 verifying an individual's eligibility for benefits, or the amount of benefits, under a state or federal
40 program such as unemployment insurance, temporary assistance for needy families, medical assist-
41 ance, supplemental nutrition assistance, Supplemental Security Income, child support enforcement
42 or Social Security. The information disclosed is confidential and may not be used for any other
43 purpose. The costs of disclosing information under this paragraph shall be paid by the requesting
44 agency.

45 (c) To officers and employees of the United States Department of Housing and Urban Develop-

1 ment and to representatives of a state or local public housing agency for the purpose of determining
2 an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program.
3 The information disclosed is confidential and may not be used for any other purpose. The costs of
4 disclosing information under this paragraph shall be paid by the requesting agency.

5 (4) At the discretion of the director and subject to an interagency agreement, the Employment
6 Department may disclose information secured from employers:

7 (a) To state agencies, federal agencies, local government agencies, public universities listed in
8 ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the
9 extent necessary to properly carry out governmental planning, performance measurement, program
10 analysis, socioeconomic analysis or policy analysis functions performed under applicable law and at
11 the discretion of the director and subject to an interagency agreement. The information disclosed
12 is confidential and may not be disclosed by the agencies or universities in any manner that would
13 identify individuals, claimants, employees or employers. If the information disclosed under this par-
14 agraph is not prepared for the use of the Employment Department, the costs of disclosing the in-
15 formation shall be paid by the agency or university requesting the information.

16 (b) As part of a geographic information system. Points on a map may be used to represent eco-
17 nomic data, including the location, employer size and industrial classification of businesses in
18 Oregon. Information presented as part of a geographic information system may not give specific
19 details regarding a business's address, actual employment or proprietary information. If the infor-
20 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
21 the costs of disclosing the information shall be paid by the party requesting the information.

22 (5) At the discretion of the director and subject to an interagency agreement, the Employment
23 Department may disclose information received from an employer, an employee or a claimant:

24 (a) To public employees in the performance of their duties under state or federal laws relating
25 to the payment of family and medical leave insurance benefits.

26 (b) Pursuant to an informed consent, received from the employer, employee or claimant, to dis-
27 close the information.

28 (c) To the Bureau of Labor and Industries for the purpose of performing duties under ORS
29 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The
30 information disclosed may include the names and addresses of employers and employees, payroll data
31 of employers and employees, and information obtained for an appeal from a determination under a
32 plan approved under ORS 657B.210. The information disclosed is confidential and may not be used
33 for any other purpose. If the information disclosed under this paragraph is not prepared for the use
34 of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

35 (d) To the Department of Revenue for the purpose of performing its duties under ORS 293.250
36 or under the revenue and tax laws of this state and identifying potential identity theft and fraud.
37 The information disclosed may include the names and addresses of employers and employees, payroll
38 data of employers and employees, and particulars, as defined in ORS 314.835. The information dis-
39 closed is confidential and may not be disclosed by the Department of Revenue in any manner that
40 would identify an employer or employee except to the extent necessary to carry out the
41 department's duties under ORS 293.250 or in auditing or reviewing any report or return required
42 or permitted to be filed under the revenue and tax laws administered by the department. The De-
43 partment of Revenue may not disclose any information received to any private collection agency or
44 for any other purpose. If the information disclosed under this paragraph is not prepared for the use
45 of the Employment Department, the costs of disclosing the information shall be paid by the Depart-

1 ment of Revenue.

2 (e) To the Department of Consumer and Business Services for the purpose of performing its du-
3 ties under ORS chapters 654, 656 and 731. The information disclosed may include, but is not limited
4 to, the name, address, number of employees and standard industrial classification code of an em-
5 ployer and payroll data of employers and employees. The information disclosed is confidential and
6 may not be disclosed by the Department of Consumer and Business Services in any manner that
7 would identify an employer or employee except to the extent necessary to carry out the
8 department's duties under ORS chapters 654, 656 and 731, including administrative hearings and
9 court proceedings in which the Department of Consumer and Business Services is a party. If the
10 information disclosed under this paragraph is not prepared for the use of the Employment Depart-
11 ment, the costs of disclosing the information shall be paid by the Department of Consumer and
12 Business Services.

13 (f) To the Construction Contractors Board for the purpose of performing its duties under ORS
14 chapter 701. The information disclosed to the board may include the names and addresses of em-
15 ployers and status of their compliance with this chapter. If the information disclosed under this
16 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
17 information shall be paid by the board.

18 (g) To the Department of Transportation to assist the department in carrying out its duties re-
19 lating to collection of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665,
20 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code, or in auditing or
21 reviewing any report or return required or permitted to be filed under the revenue and tax laws
22 administered by the department. The information disclosed may include the names and addresses of
23 employers and employees and payroll data of employers and employees. The information disclosed
24 is confidential and may not be disclosed by the Department of Transportation in any manner that
25 would identify an employer or employee except to the extent necessary to carry out the
26 department's duties relating to collection of delinquent and liquidated debts or in auditing or re-
27 viewing any report or return required or permitted to be filed under the revenue and tax laws ad-
28 ministered by the department. The Department of Transportation may not disclose any information
29 received to any private collection agency or for any other purpose. If the information disclosed un-
30 der this paragraph is not prepared for the use of the Employment Department, the costs of disclosing
31 the information shall be paid by the Department of Transportation.

32 (h) To the Department of Human Services and the Oregon Health Authority to assist the de-
33 partment and the authority in the collection of debts that the department and the authority are
34 authorized by law to collect. The information disclosed may include the names and addresses of
35 employers and employees and payroll data of employers and employees. The information disclosed
36 is confidential and may not be disclosed by the Department of Human Services or the Oregon Health
37 Authority in any manner that would identify an employer or employee except to the extent neces-
38 sary for the collection of debts as described in this paragraph. The Department of Human Services
39 and the Oregon Health Authority may not disclose information received under this paragraph to a
40 private collection agency or use the information for a purpose other than the collection of debts as
41 described in this paragraph. If the information disclosed under this paragraph is not prepared for
42 the use of the Employment Department, the costs of disclosing the information shall be paid by the
43 Department of Human Services or the Oregon Health Authority.

44 (i) To the State Treasurer useful for the purpose of performing the State Treasurer's duties un-
45 der ORS 98.302 to 98.436, 98.992, 113.235 and 116.253. The information disclosed is confidential and

1 may not be used by the State Treasurer for any other purpose. If the information disclosed under
2 this paragraph is not prepared for the use of the Employment Department, the costs of disclosing
3 the information shall be paid by the State Treasurer.

4 (6) At the discretion of the director and subject to an interagency agreement, the director may
5 disclose information to a public official in the performance of the public official's official duties ad-
6 ministering or enforcing laws within the public official's authority and to an agent or contractor of
7 a public official. The public official shall agree to assume responsibility for misuse of the information
8 by the public official's agent or contractor.

9 (7) At the discretion of the director, the director may disclose information to a contractor pur-
10 suant to a contract for actuarial services. The contractor shall agree to assume responsibility for
11 misuse of the information by the contractor's agent.

12 (8) Any officer appointed by or any employee of the director who discloses confidential infor-
13 mation, except with the authority of the director, pursuant to rules or as otherwise required by law,
14 may be disqualified from holding any appointment or employment with the Employment Department.

15 (9) Any person or any officer or employee of an entity to whom information is disclosed by the
16 Employment Department under this section who divulges or uses the information for any purpose
17 other than that specified in the provision of law or agreement authorizing the use or disclosure may
18 be disqualified from performing any service under contract or from holding any appointment or em-
19 ployment with the state agency that engaged or employed that person, officer or employee. The
20 Employment Department may immediately cancel or modify any information-sharing agreement with
21 an entity when a person or an officer or employee of that entity discloses confidential information,
22 other than as specified in law or agreement.

23 (10) At the discretion of the director, the director may disclose information to an employee or
24 officer within any division of the Employment Department as necessary to conduct research, compile
25 aggregate data from the information received and any other purpose deemed necessary by the di-
26 rector to assist the director in carrying out the duties under this chapter or other duties under ORS
27 chapter 657.

28 (11) The director may adopt any rules necessary to implement this section.

29 **SECTION 7.** ORS 657B.410 is amended to read:

30 657B.410. (1) The Director of the Employment Department shall establish a process by which:

31 (a) An employer may request a hearing to obtain review of a final decision of the director re-
32 garding any of the following:

33 (A) Approval or denial of an employer's application for approval of a plan under ORS 657B.210;

34 (B) The assessment of penalties under ORS 657B.925; or

35 (C) A determination made under ORS 657B.332.

36 (b) A covered individual may request a hearing to obtain review of a final decision of the di-
37 rector regarding any of the following:

38 (A) Approval or denial of a claim submitted to the director for payment of family and medical
39 leave insurance benefits;

40 (B) The weekly benefit amount payable to a covered individual as determined under ORS
41 657B.050;

42 (C) Matters affecting the covered individual under ORS 657B.040 or 657B.332; or

43 (D) Benefit overpayments, including overpayments under ORS 657B.335.

44 (c) A self-employed individual or a tribal government may request a hearing to review a final
45 decision of the director regarding elective coverage under ORS 657B.130.

1 (d) An employer may request a hearing:

2 (A) To review a final decision of the director regarding contributions under this chapter;

3 (B) Regarding decisions of the director regarding penalties under this chapter; or

4 (C) To review a final decision of the director regarding a grant made available under this
5 chapter.

6 (2) Notwithstanding ORS 183.315, the process established by the director under this section shall
7 comply with provisions for a contested case under ORS chapter 183 and is subject to judicial review
8 as provided in ORS 183.482.

9 (3)(a) Notwithstanding any other law, a *[party to]* **person in** a proceeding described under this
10 section may *[authorize a legal representative]* **be represented by legal counsel** or *[other person to*
11 *represent the party in the proceeding in the manner]* **by any other representative that the person**
12 **authorizes to represent the person as** prescribed by the director by rule. *[A legal representative]*
13 **The legal counsel** or other *[person who is]* **representative** authorized to represent the *[party]*
14 **person** in the proceeding must comply with any procedures or process regarding such represen-
15 tation established by the department by rule, including, but not limited to, a rule establishing the
16 maximum amount that the legal *[representative]* **counsel** or other authorized *[person]* **representative**
17 may charge for such representation.

18 (b) For purposes of this subsection, “person” includes individuals, corporations, associations,
19 firms, partnerships, limited liability companies and joint stock companies, this state and the political
20 subdivisions of this state.

21 **SECTION 8. The amendments to ORS 657B.030 by section 2 of this 2025 Act become op-**
22 **erative on January 1, 2026.**

23 **SECTION 9. This 2025 Act takes effect on the 91st day after the date on which the 2025**
24 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**