

SENATE AMENDMENTS TO SENATE BILL 906

By COMMITTEE ON LABOR AND BUSINESS

April 7

- 1 On page 1 of the printed bill, line 2, after “652.610” insert “and 652.900”.
- 2 Delete lines 4 through 30 and delete pages 2 and 3 and insert:
- 3 “**SECTION 1.** ORS 652.610 is amended to read:
- 4 “652.610. (1)(a) All persons, firms, partnerships, associations, cooperative associations, corpo-
- 5 rations, municipal corporations, the state and its political subdivisions, except the federal govern-
- 6 ment and its agencies, employing, in this state, during any calendar month one or more persons,
- 7 shall provide the employee on regular paydays and at other times payment of wages, salary or
- 8 commission is made, with an itemized statement as described in paragraph (b) of this subsection.
- 9 “(b) The statement required under this subsection must be a written statement, sufficiently
- 10 itemized to show:
- 11 “(A) The date of the payment;
- 12 “(B) The dates of work covered by the payment;
- 13 “(C) The name of the employee;
- 14 “(D) The name and business registry number or business identification number;
- 15 “(E) The address and telephone number of the employer;
- 16 “(F) The rate or rates of pay;
- 17 “(G) Whether the employee is paid by the hour, shift, day or week or on a salary, piece or
- 18 commission basis;
- 19 “(H) Gross wages;
- 20 “(I) Net wages;
- 21 “(J) The amount and purpose of each deduction made during the respective period of service
- 22 that the payment covers;
- 23 “(K) Allowances, if any, claimed as part of minimum wage;
- 24 “(L) Unless the employee is paid on a salary basis and is exempt from overtime compensation
- 25 as established by local, state or federal law, the regular hourly rate or rates of pay, the overtime
- 26 rate or rates of pay, the number of regular hours worked and pay for those hours, and the number
- 27 of overtime hours worked and pay for those hours; and
- 28 “(M) If the employee is paid a piece rate, the applicable piece rate or rates of pay, the number
- 29 of pieces completed at each piece rate and the total pay for each rate.
- 30 “(c) Notwithstanding paragraph (b) of this subsection, the employer may provide the statement
- 31 required under this subsection to the employee in electronic form pursuant to ORS 84.001 to 84.061
- 32 if:
- 33 “(A) The statement contains the information described in paragraph (b) of this *[section]* **sub-**
- 34 **section**;
- 35 “(B) The employee expressly agrees to receive the statement in electronic form; and

1 “(C) The employee has the ability to print or store the statement at the time of receipt.

2 “(2)(a) The statement may be attached to or be a part of the check, draft, voucher or other in-

3 strument by which payment is made, or may be delivered separately from the instrument.

4 “(b) The statement shall be provided electronically at the time payment is made to all state of-

5 ficers and employees paid electronically under the state payroll system as provided by ORS 292.026.

6 “(c) State agencies shall provide access to electronic statements to employees who do not have

7 regular access to computers in their workplace.

8 “(d) Notwithstanding paragraph (b) of this subsection, if an officer or employee paid under the

9 state payroll system as provided by ORS 292.026 wants to receive payment of net salary and wages

10 by check or to receive a paper statement of itemized payroll deductions, the officer or employee

11 shall request paper statements or payment by check in accordance with the procedures adopted by

12 rule by the Oregon Department of Administrative Services.

13 “(3) An employer may not withhold, deduct or divert any portion of an employee’s wages unless:

14 “(a) The employer is required to do so by law;

15 “(b) The deductions are voluntarily authorized in writing by the employee, are for the

16 employee’s benefit and are recorded in the employer’s books;

17 “(c) The employee has voluntarily signed an authorization for a deduction for any other item,

18 provided that the ultimate recipient of the money withheld is not the employer and that the de-

19 duction is recorded in the employer’s books;

20 “(d) The deduction is authorized by a collective bargaining agreement to which the employer is

21 a party;

22 “(e) The deduction is authorized under ORS 18.736; or

23 “(f) The deduction is made from the payment of wages upon termination of employment and is

24 authorized pursuant to a written agreement between the employee and employer for the repayment

25 of a loan made to the employee by the employer, if all of the following conditions are met:

26 “(A) The employee has voluntarily signed the agreement;

27 “(B) The loan was paid to the employee in cash or other medium permitted by ORS 652.110;

28 “(C) The loan was made solely for the employee’s benefit and was not used, either directly or

29 indirectly, for any purpose required by the employer or connected with the employee’s employment

30 with the employer;

31 “(D) The amount of the deduction at termination of employment does not exceed the amount

32 permitted to be garnished under ORS 18.385; and

33 “(E) The deduction is recorded in the employer’s books.

34 “(4) When an employer deducts an amount from an employee’s wages as required or authorized

35 by law or agreement, the employer shall pay the amount deducted to the appropriate recipient as

36 required by the law or agreement. The employer shall pay the amount deducted within the time re-

37 quired by the law or the agreement or, if the time for payment is not specified by the law or

38 agreement, within seven days after the date the wages from which the deductions are made are due.

39 Failure to pay the amount as required constitutes an unlawful deduction.

40 **“(5)(a) An employer shall provide to all employees, at the time of hire, a written expla-**

41 **nation of earnings and deductions shown on the itemized statements required under sub-**

42 **section (1) of this section. The explanation must include general information on:**

43 **“(A) The employer’s established regular pay period.**

44 **“(B) A comprehensive list of:**

45 **“(i) All types of pay rates that employees may be eligible for, including hourly pay, salary**

1 pay, shift differentials, piece-rate pay and commission-based pay.

2 “(ii) All benefit deductions and contributions.

3 “(iii) Every type of deduction that may apply.

4 “(C) The purpose of deductions that may be made during a regular pay period.

5 “(D) Allowances, if any, claimed as part of minimum wage.

6 “(E) Employer-provided benefits that may appear on the itemized statements as contri-
7 butions and deductions.

8 “(F) All payroll codes used for pay rates and deductions, along with a detailed description
9 or definition of each code.

10 “(b) An employer may satisfy the requirements of this subsection by making the infor-
11 mation available to employees in a location easily accessible to them, such as a link to a
12 website, a physical document posted in a central location, a shared electronic file or delivery
13 by electronic mail.

14 “(c) The information required under this subsection must be sufficiently detailed to ex-
15 plain pay rates and deduction codes, but need not be written in complete sentences.

16 “(d) An employer shall review and update the information required under this subsection
17 by January 1 of each year.

18 “(6) The Bureau of Labor and Industries shall:

19 “(a) Develop and make available to employers a model written guidance document that
20 includes commonly used statewide deductions and that employers may use and customize to
21 satisfy the requirements under subsection (5) of this section;

22 “(b) Provide the model written guidance document in English and in Spanish; and

23 “(c) To the extent practicable, translate the model written guidance document in other
24 languages, if so requested.

25 “[5] (7) This section does not:

26 “(a) Prohibit the withholding of amounts authorized in writing by the employee to be contributed
27 by the employee to charitable organizations, including contributions made pursuant to ORS 663.110;

28 “(b) Prohibit deductions by checkoff dues to labor organizations or service fees when the de-
29 ductions are not otherwise prohibited by law; or

30 “(c) Diminish or enlarge the right of any person to assert and enforce a lawful setoff or
31 counterclaim or to attach, take, reach or apply an employee’s compensation on due legal process.

32 “**SECTION 2.** ORS 652.900 is amended to read:

33 “652.900. (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:

35 “(a) \$1,000 against any person who violates ORS 652.020, 652.110, 652.140, 652.145, 652.260,
36 652.610 (4) or 652.750 or any rule adopted under those statutes.

37 “(b) **\$500 against any person who violates ORS 652.610 (5) or any rule adopted under that**
38 **statute.**

39 “(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

40 “(3) All sums collected as penalties under this section shall be first applied toward reimburse-
41 ment of costs incurred in determining the violations, conducting hearings under this section and
42 addressing and collecting the penalties. The remainder, if any, of the sums collected as penalties
43 under this section shall be paid into the State Treasury and credited to the General Fund and is
44 available for general governmental expenses.”.