

Requested by Senator TAYLOR

**PROPOSED AMENDMENTS TO
SENATE BILL 906**

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
5 associations, corporations, municipal corporations, the state and its political
6 subdivisions, except the federal government and its agencies, employing, in
7 this state, during any calendar month one or more persons, shall provide the
8 employee on regular paydays and at other times payment of wages, salary
9 or commission is made, with an itemized statement as described in paragraph
10 (b) of this subsection.

11 “(b) The statement required under this subsection must be a written
12 statement, sufficiently itemized to show:

13 “(A) The date of the payment;

14 “(B) The dates of work covered by the payment;

15 “(C) The name of the employee;

16 “(D) The name and business registry number or business identification
17 number;

18 “(E) The address and telephone number of the employer;

19 “(F) The rate or rates of pay;

20 “(G) Whether the employee is paid by the hour, shift, day or week or on
21 a salary, piece or commission basis;

1 “(H) Gross wages;

2 “(I) Net wages;

3 “(J) The amount and purpose of each deduction made during the respec-
4 tive period of service that the payment covers;

5 “(K) Allowances, if any, claimed as part of minimum wage;

6 “(L) Unless the employee is paid on a salary basis and is exempt from
7 overtime compensation as established by local, state or federal law, the reg-
8 ular hourly rate or rates of pay, the overtime rate or rates of pay, the num-
9 ber of regular hours worked and pay for those hours, and the number of
10 overtime hours worked and pay for those hours; and

11 “(M) If the employee is paid a piece rate, the applicable piece rate or
12 rates of pay, the number of pieces completed at each piece rate and the total
13 pay for each rate.

14 “(c) Notwithstanding paragraph (b) of this subsection, the employer may
15 provide the statement required under this subsection to the employee in
16 electronic form pursuant to ORS 84.001 to 84.061 if:

17 “(A) The statement contains the information described in paragraph (b)
18 of this [section] **subsection**;

19 “(B) The employee expressly agrees to receive the statement in electronic
20 form; and

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

23 “(2)(a) The statement may be attached to or be a part of the check, draft,
24 voucher or other instrument by which payment is made, or may be delivered
25 separately from the instrument.

26 “(b) The statement shall be provided electronically at the time payment
27 is made to all state officers and employees paid electronically under the state
28 payroll system as provided by ORS 292.026.

29 “(c) State agencies shall provide access to electronic statements to em-
30 ployees who do not have regular access to computers in their workplace.

1 “(d) Notwithstanding paragraph (b) of this subsection, if an officer or
2 employee paid under the state payroll system as provided by ORS 292.026
3 wants to receive payment of net salary and wages by check or to receive a
4 paper statement of itemized payroll deductions, the officer or employee shall
5 request paper statements or payment by check in accordance with the pro-
6 cedures adopted by rule by the Oregon Department of Administrative Ser-
7 vices.

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

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

11 “(b) The deductions are voluntarily authorized in writing by the employee,
12 are for the employee’s benefit and are recorded in the employer’s books;

13 “(c) The employee has voluntarily signed an authorization for a deduction
14 for any other item, provided that the ultimate recipient of the money with-
15 held is not the employer and that the deduction is recorded in the employer’s
16 books;

17 “(d) The deduction is authorized by a collective bargaining agreement to
18 which the employer is a party;

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

20 “(f) The deduction is made from the payment of wages upon termination
21 of employment and is authorized pursuant to a written agreement between
22 the employee and employer for the repayment of a loan made to the employee
23 by the employer, if all of the following conditions are met:

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

25 “(B) The loan was paid to the employee in cash or other medium permit-
26 ted by ORS 652.110;

27 “(C) The loan was made solely for the employee’s benefit and was not
28 used, either directly or indirectly, for any purpose required by the employer
29 or connected with the employee’s employment with the employer;

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

1 exceed the amount permitted to be garnished under ORS 18.385; and

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

3 “(4) When an employer deducts an amount from an employee’s wages as
4 required or authorized by law or agreement, the employer shall pay the
5 amount deducted to the appropriate recipient as required by the law or
6 agreement. The employer shall pay the amount deducted within the time re-
7 quired by the law or the agreement or, if the time for payment is not speci-
8 fied by the law or agreement, within seven days after the date the wages
9 from which the deductions are made are due. Failure to pay the amount as
10 required constitutes an unlawful deduction.

11 “(5)(a) **An employer shall provide to all employees, at the time of**
12 **hire, a written explanation of earnings and deductions shown on the**
13 **itemized statements required under subsection (1) of this section. The**
14 **explanation must include general information on:**

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

16 “(B) **A comprehensive list of:**

17 “(i) **All types of pay rates that employees may be eligible for, in-**
18 **cluding hourly pay, salary pay, shift differentials, piece-rate pay and**
19 **commission-based pay.**

20 “(ii) **All benefit deductions and contributions.**

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

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

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

25 “(E) **Employer-provided benefits that may appear on the itemized**
26 **statements as contributions and deductions.**

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

29 “(b) **An employer may satisfy the requirements of this subsection**
30 **by making the information available to employees in a location easily**

1 accessible to them, such as a link to a website, a physical document
2 posted in a central location, a shared electronic file or delivery by
3 electronic mail.

4 “(c) The information required under this subsection must be suffi-
5 ciently detailed to explain pay rates and deduction codes, but need not
6 be written in complete sentences.

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

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

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

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

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

18 “[5] (7) This section does not:

19 “(a) Prohibit the withholding of amounts authorized in writing by the
20 employee to be contributed by the employee to charitable organizations, in-
21 cluding contributions made pursuant to ORS 663.110;

22 “(b) Prohibit deductions by checkoff dues to labor organizations or service
23 fees when the deductions are not otherwise prohibited by law; or

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

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

28 “652.900. (1) In addition to any other penalty provided by law, the Com-
29 missioner of the Bureau of Labor and Industries may assess a civil penalty
30 not to exceed:

1 “(a) \$1,000 against any person who violates ORS 652.020, 652.110, 652.140,
2 652.145, 652.260, 652.610 (4) or 652.750 or any rule adopted under those stat-
3 utes.

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

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

8 “(3) All sums collected as penalties under this section shall be first ap-
9 plied toward reimbursement of costs incurred in determining the violations,
10 conducting hearings under this section and addressing and collecting the
11 penalties. The remainder, if any, of the sums collected as penalties under this
12 section shall be paid into the State Treasury and credited to the General
13 Fund and is available for general governmental expenses.”.

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