

Legislative Summary Report

Labor & Employment



This Legislative Summary Report highlights Labor and Employment policy measures that received a public hearing in a policy committee during the 2023 regular legislative session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [✓] or not enacted [✗]; and a brief description of the measure.

Labor & Employment sub-topics:

- Apprenticeship and On-the-Job Training
- Collective Bargaining
- Construction and Building Codes
- Employment Protections
- Leave Laws
- Unemployment Insurance
- Wages and Benefits
- Workers' Compensation
- Working Conditions and Workplace Safety

Apprenticeship and On-the-Job Training

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| SB 119 | ✗ | Would have required the Oregon Department of Transportation, Oregon Department of Administrative Services, and any agency that used funds from the American Rescue Plan Act (ARPA) of 2021 for public improvement to study the use of apprentices in public improvement and public works projects. |
| SB 850 | ✗ | Would have required public bodies that contract for capital construction projects that have an estimated cost of at least \$1 million and use at least \$750,000 in public agency funds or money made available to Oregon under the American Rescue Plan Act of 2021 to enter into project labor agreements (PLAs). The measure would have required a PLA to provide payment at the prevailing rate of wage, use apprentices to perform 15 percent of work hours that workers in apprenticeable occupations perform, and establish a plan for outreach, recruitment, and retention of women, minority, and veteran persons to perform work on the project. |
| HB 2294 | ✓ | Allocates \$5 million to the Bureau of Labor of Industries (BOLI) to develop and administer a grant program for up to 10 firefighter apprenticeship pilot projects in Oregon. |
| HB 2649 | ✓ | Requires Oregon Department of Transportation, Higher Education Coordinating Commission, and state agencies with a public improvement project of \$3 million or more to require each contractor to employ apprentices to perform 12 percent or more of work hours that workers in apprenticeable occupations perform; requires each subcontractor, with a contract price of \$750,000 or more, to employ apprentices to perform 12 percent or more of |

work hours that workers in apprenticeable occupations perform on public improvement; and requires each contractor and subcontractor to establish and implement plans for outreach to and recruitment and retention of women, minority individuals, and veterans to perform work.

- HB 2722 ✗ Would have allowed 16- and 17-year-olds to operate power-driven machinery when the work is incidental to their enrollment as student-learners in any vocational training program that is recognized by a state or local educational authority or their employment as registered apprentices.
- HB 3306 ✓ Requires an entity that receives any state or federal Workforce Innovation and Opportunity Act funds to establish wage standards and training plans for individuals who participate in a program administered by the entity, if, under the program, the entity provides individuals with paid work experience.
- HB 3307 ✓ Provides employment-related anti-discrimination law protections under Oregon law to a person who participates in a registered apprenticeship program or any private sector on-the-job training program.

Collective Bargaining

- SB 194 ✓ Makes permanent the exclusion of an employee that is a rank equivalent to or below the rank of sergeant with the Oregon State Police from the definition of "supervisory employee" for purposes of collective bargaining.
- SB 845 ✗ Would have modified procedures required for binding arbitration for certain transit district and municipal bus system employees, and required that arbitration be conducted by a three-person panel.
- HB 2573 ✓ Adds to the requirements that Employment Relations Board (ERB) develop procedures that may be used for preparing and signing authorizations designating bargaining representatives using an electronic record and an electronic signature.
- HB 2864 ✓ Adds employees of the Department of Corrections and Oregon Corrections Enterprises and parole and probation officers who supervise adult offenders to the list of employees who are not members of a labor union but may be charged reasonable fees and costs for representation on issues unrelated to the negotiation of a collective bargaining agreement.

Construction and Building Codes

- SB 228 ✓ Adds to the list of reasons that a contractor's license may be revoked, suspended, or conditioned.



- HB 2675 ✗ Would have exempted from the state structural specialist code an “agricultural building” when the structure is located on farm or forest agriculture land and requires no more than 20 persons to occupy the structure outside of a harvest season or no more than 40 persons during a harvest season.
- HB 2870 B ✗ Would have permitted a contractor to submit a surety bond, executed by a surety bonding company, instead of a retaining a bond as currently required by Oregon law for public contracts.
- HB 2922 ✓ Increases surety bond amount required for all Construction Contractors Board licensed entities by \$5,000.
- HB 3385 A ✗ Would have prohibited a major residential contractor from collecting or retaining more than 50 percent of the original contract price before substantial completion of remodel or repair of owner-occupied, one- or two-family residential structure when contract price exceeds \$40,000.

Employment Protections

- SB 631 ✗ Would have allowed employees employed by a state agency that operates and is staffed 24 hours a day, 365 days a year, to refuse mandatory overtime if the employee had already worked one mandatory overtime shift in the same month.
- SB 692 ✓ Requires state agencies to use an information system maintained by the Department of Administrative Services (DAS) to track internal investigations of workplace discrimination or harassment concerning employees. Directs DAS to develop a formal training program for personnel investigating internal allegations of workplace discrimination and harassment.
- SB 851 ✓ Requires the Bureau of Labor and Industries to prepare a model respectful workplace policy that employers may adopt.
- SB 925 ✗ Would have made it an unlawful practice for an employer or employment agency to advertise a job, promotion, or transfer opportunity without disclosing pay range and employment benefits in job posting.
- HB 2800 ✗ Would have defined the meaning of "because of age" in employment discrimination law to include characteristics closely associated with, correlated with, or used as a proxy for age, such as: salary; length of service with an employer; higher cost factors relating to pension benefits, other retirement benefits or any insurance benefits; or retirement or pension eligibility and status. The measure would have made it an unlawful employment practice to seek the age of the applicant prior to the completion of an initial interview or a conditional offer of employment is made and to include specific words or phrases in the job application that suggest age preferences.



- HB 3568** ✗ Would have required warehouse distribution centers to provide workers with information on quotas they are assigned, prohibited employers from putting in place quotas that prevent workers from taking required meal and rest breaks, provided protections for workers from adverse employment actions, such as disciplinary action or firing because of a failure to meet undisclosed quotas or quotas that do not allow for proper breaks, and allowed complaints to be filed with the Commissioner of the Bureau of Labor and Industries for enforcement.

Leave Laws

- SB 31** ✓ Requires the Director of the Oregon Employment Department to determine whether the Paid Leave Oregon fund is solvent by August 11, 2023, for benefits and grant awards to be available on or after September 3, 2023. The measure provides for a delay in payment of benefits and grant awards if the fund is found to be insolvent.
- SB 881** ✗ Would have required the Director of the Department of Revenue to reimburse a worker leasing company for any employer contribution payments made by a worker leasing company for an employer with under 25 employees if the Department of Revenue determined that the refund was due.
- SB 912** ✓ Creates requirements relating to overpayments of Paid Leave Oregon benefits, collection of overpaid benefits, and penalties for employers who offer but fail to meet requirements for employer equivalent benefit plans.
- SB 913** ✓ Makes changes to the paid family and medical leave insurance program, including when hearings may occur and when information may be disclosed. The measure also changes the wage amount subject to the contributions for the program.
- HB 2290** ✗ Would have authorized the Department of Revenue to disclose information to the Employment Department to administer the paid family and medical leave insurance program.
- HB 3028** ✓ Prohibits an employer from requiring an employee to use vacation, sick, or annual leave for time spent by an employee who is an appointed member of a state board or commission.

Unemployment Insurance

- HB 2921** ✓ Requires hospitals to file the report that is required by the U.S. Equal Employment Opportunity Commission (EEOC) or the United States Department of Education showing demographics of hospitals' workforces by race, ethnicity, sex, and job categories with the Bureau of Labor and Industries 90 days after the hospital submits the report to EEOC.



- HB 3331 ✓ Amends eligibility requirements for Work Share benefits. The measure removes a requirement requiring an employee to be continuously employed for six months on a full-time basis or for one year on a part-time basis and expands the percentage reduction in hours an employee may work to qualify for Work Share benefits to at least 10 percent and not more than 50 percent.

Wages and Benefits

- SB 594 ✓ Requires Prevailing Wage Rate to be paid on a public works project when that project only involves demolition or removal of hazardous waste.
- HB 2057 A ✗ Would have made a contractor jointly and severally liable in civil or administrative action for unpaid wages of an unrepresented subcontractor employee at any tier.
- HB 2058 ✓ Directs Oregon Business Development Department (OBDD) to develop and administer a program to provide up to \$40,000 of interest-free, repayable awards to agricultural employers for costs associated with compliance with agricultural overtime wage requirements.
- HB 2556 A ✗ Would have established requirements for how and when an employer can deduct wages from an employee after an employer makes erroneous overpayments of wages.
- HB 3205 A ✗ Would have directed the Commissioner of the Bureau of Labor and Industries to adopt rules regarding Oregon's pay equity laws, including clarification around the payment of bonuses based on bona fide factors.
- HB 3233 ✗ Would have established that the prevailing rate of wage for electrical workers is the rate for the geographical area within which each local union is the exclusive representative for the local union's membership, and the collective bargaining agreement is the collective bargaining agreement to which the local union is party.

Workers' Compensation

- SB 214 ✗ Would have clarified that the definition of "average weekly wage" for calculating fatality benefits for workers' compensation claims is the average weekly wage in effect when compensation is paid. Would have permitted the Workers' Benefit Fund to advance funds to workers' beneficiaries.
- SB 418 ✓ Allows injured workers with an accepted disabling compensable injury to receive temporary disability benefits when the worker is required to leave work for compensable medical services.



- HB 3412 ✓ For the purpose of workers' compensation claims, allows physician assistants to provide compensable medical services and authorize payment of temporary disability benefits under the same rules as nurse practitioners.
- HB 3471 ✓ Makes it an unlawful employment practice for an employer to offer to negotiate a settlement agreement conditional upon a worker entering into a no-rehire agreement, and for an employer to make an offer for a settlement agreement conditional on a worker agreeing to the no-rehire provision, unless conditions of exception are met.
- HB 3541 ✗ Would have provided a parent, or related companies associated with an employer liability, protections from third-party lawsuits allowed under Workers' Compensation.

Working Conditions and Workplace Safety

- SB 592 ✓ Requires the Director of the Department of Consumer and Business Services (DCBS) to conduct a comprehensive workplace inspection when an accident investigation reveals a violation caused or contributed to a work-related fatality or when three or more willful or repeated violations occur within a one-year period. Establishes the federal Occupational Safety and Health Administration (OSHA) minimum and maximum civil penalties for violations of state occupational safety or health requirements and requires the Director to annually adjust civil penalties.
- SB 907 ✓ Prohibits an employer from retaliating or discriminating against an employee or prospective employee who, in good faith and with no reasonable alternative, refuses exposure to a hazardous condition.

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