



SALEM HUMAN RESOURCES MANAGEMENT ASSOCIATION

Affiliate of the Society for Human Resource Management

2016 SESSION LEGISLATIVE REPORT¹

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The 2016 Oregon Legislative Session opened on Monday, February 1, 2016. Employment-related bills are a significant focus of this year's short session. This report covers the employment-related bills considered by the Oregon Legislature, including minimum wage increases, fixes to the paid sick leave laws, and familial status protection. There are a number of bills which have failed during this short session but we anticipate we will see similar bills in future sessions.

BILL	DESCRIPTION	COMMENT
SB 1532	<p><u>Tiered Minimum Wage Increases Based on Employer's Geographic Location:</u> This bill would increase Oregon's minimum wage at different rates depending on an employer's location in an urban or nonurban county. The minimum wage would reach \$13.50 per hour by 2022 except that employers located in Clackamas, Multnomah, or Washington counties would see higher increases (to \$14.75 per hour), and employers located in specified nonurban counties would see lower increases (to \$12.50 per hour). After 2022, minimum wage would be adjusted for inflation on July 1st of each year.</p>	<p><i>This bill is one of several proposals to increase minimum wage this session. Currently, local governments are prohibited from enacting a minimum wage that varies from the state minimum wage. There were efforts in the last session to allow municipalities like Portland to establish a higher minimum wage without affecting other parts of the state. This bill maintains statewide control of minimum wage, but does not prohibit regional differences. The bill allows the Bureau of Labor and Industries (BOLI) to develop rules to determine an employer's location and does not specifically address whether employers with an office and any number of employees working in Portland would be subject to the higher minimum wage.</i></p> <p><i>This bill passed on February 18, 2016 and Governor Brown has indicated that she intends to sign it. Once signed the law will take effect on July 1, 2016.</i></p> <p><i>Two of the groups who have introduced ballot initiatives to raise the minimum wage have not yet indicated whether they intend to withdraw their initiatives in light of the passage of this bill.</i></p> <p><i>NOTE: A group of legislators are working on a proposed modification of this bill. A public meeting on the proposal may be scheduled for Monday, February 22, 2016.</i></p>

¹ [Therese Holmstrom](#) is an attorney with the [SAALFELD GRIGGS](#) law firm in Salem, Oregon. ([www.sglaw.com](#)). This summary was prepared with the firm's assistance. The information contained in this report is current as of 2/22/2016. This summary focuses on significant bills affecting private sector employers and is not intended to cover every employment-related bill. This information is considered accurate but is not guaranteed. Additional information is available at [www.leg.state.or.us](#). The above comments are not legal advice and do not necessarily reflect the views of Salem Human Resource Management Association, its board or members, or any affiliated organization. The purpose of this report is to provide information and analysis and is not intended to lobby one position over another.

SB 1587	<p>Wage Theft Prevention: This bill would modify information that must be provided to employees in a written itemized wage statement on each payday and would also fund three full-time positions within BOLI to investigate and enforce claims of wage nonpayment or underpayment.</p>	<p><i>The initial draft of this bill allowed for a civil right of action for an employer's failure to provide the required itemized wage statement information or to maintain time and pay records for three years from the date of termination. As amended, this bill enhances the ability of BOLI to enforce certain wage claims.</i></p> <p><i>This bill has been referred to the Joint Committee on Ways and Means and a public hearing and work session is scheduled for Tuesday, February 23, 2016.</i></p>
HB 4067	<p>Whistleblower Protections for Disclosure: This bill would provide an affirmative defense for employees of public and nonprofit employers who disclose confidential records to if the employee has a reasonable belief that the protected information proves a crime and lawfully accessed the information. The bill would only provide a defense if an employee faces a civil or criminal charge for disclosure of information if the information was disclosed to an attorney or members of certain regulatory or other oversight bodies.</p>	<p><i>This bill will likely have the greatest impact on nonprofits that handle protected health or educational records, or public entities dealing with sealed court records.</i></p> <p><i>This bill has been referred to the Senate Committee on Judiciary. A public hearing and tentative work session is scheduled for Monday, February 22, 2016.</i></p>
<p><i>FAILED BILLS – These bills did not pass during the 2016 Legislative Session.</i></p>		
SB 1525	<p>Excludes Sick Leave Pay From "Payroll" For Workers' Compensation: This bill would revise the definition of payroll for workers' compensation purposes to exclude sick leave pay.</p>	<p><i>This bill died in the Senate Workforce and General Government Committee.</i></p>
SB 1581	<p>Changes to Oregon's Sick Leave Law: This bill would amend the sick leave law passed last year to: (1) define an employer's location as a location where it has headquarters; (2) require employers with 25 or more employees to provide paid sick leave unless headquartered in Portland; (3) exclude seasonal agricultural workers and temporary workers from the count of employees for determining whether an employer must provide paid sick leave; (4) limit the requirements of a substantially equivalent policy; (5) limit liability of joint employers; and (6) limit protections to the first 40 hours of sick leave. The bill also clarifies other aspects of the sick leave law.</p>	<p><i>This bill died in the Senate Committee on Workforce and General Government.</i></p>
SB 1592	<p>Graduated Step Increases to Minimum Wage: This bill would increase minimum wage in graduated steps to \$13.50 per hour by 2019.</p>	<p><i>This bill died in the Senate Workforce and General Government Committee.</i></p>
HB 4052	<p>Injured Worker Selection of Medical Services Provider: This bill prohibits an employer or insurer from requiring injured workers to obtain nonemergency services from a specific medical provider.</p>	<p><i>This bill died in the House Business and Labor Committee.</i></p>

<p>HB 4088</p>	<p><u>Prohibited Discrimination Based on Familial Status:</u> This bill would make it an unlawful employment practice to discriminate against an applicant or employee on the basis of status as a caregiver to a family member, including an applicant or employee’s potential to become a caregiver.</p>	<p><i>This bill died in the House Business and Labor Committee.</i></p>
<p>HB 4139</p>	<p><u>Sick Leave Fixes:</u> This bill would define an employer located in a city with a population of 500,000 or more as any employer who maintained a headquarters in that city and would also explicitly treat paid sick leave as a fringe benefit for prevailing wage purposes. The bill would also clarify how employers comply with Oregon’s sick leave law who use a leave year for sick leave purposes that is not a calendar year and would also allow employers to front-load any sick leave entitlements at a pro rata percentage of the hours the employee would be entitled to for the year if the employee were to accrue sick leave based on hours worked.</p>	<p><i>This bill died in House Committee of Business and Labor.</i></p>