



SALEM HUMAN RESOURCES MANAGEMENT ASSOCIATION

Affiliate of the Society for Human Resource Management

FINAL SESSION REPORT FOR 2016¹

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The 2016 Oregon Legislative Session closed on Thursday, March 3, 2016. As expected, employment-related bills were 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 1532A	<p>Tiered Minimum Wage Increases Based on Employer's Geographic Location: 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 was one of several proposals to increase minimum wage this session. This bill maintains statewide control of minimum wage, but establishes regional differences based on population size. The Bureau of Labor and Industries will develop rules to determine an employer's location, as the bill 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 was signed into law by Governor Kate Brown on March 2, 2016. The law is effective immediately but the first wage increase does not occur until July 1, 2016.</i></p>
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 but does not include a civil right of action for failure to provide itemized wage statement information.</i></p> <p><i>This bill passed and is awaiting the Governor's signature. It will be effectively immediately after it is signed.</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 3/9/2016. 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.

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 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 and the information was disclosed to an attorney or members of certain regulatory or other oversight bodies. Nonprofit employers who receive money from the state through grants or contracts are covered under the bill. The bill also revises ORS 659A.203 to make it an unlawful employment practice for a covered nonprofit employer to discharge or otherwise discipline an employee for making such a disclosure of information.</p>	<p><i>This bill will likely have the greatest impact on nonprofits that receive money from the state through grants or contracts because it is an expansion of the whistleblower statutes that previously applied only to public employers. Employers who are subject to the law must develop a policy that describes an employee's rights and remedies under the bill and is distributed to each employee.</i></p> <p><i>This bill passed and is awaiting the Governor's signature. Once signed, it will be effective January 1, 2017.</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 Committee on Workforce and General Government.</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 Committee on Workforce and General Government.</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 Committee on Business and Labor.</i></p>
HB 4088	<p>Prohibited Discrimination Based on Familial Status: 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 Committee on Business and Labor.</i></p>

HB 4139	<p>Sick Leave Fixes: 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 on Business and Labor.</i></p>
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