

House Bill 2606

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Extends time limit for filing complaint or civil action for discrimination in employment based on protected class status of employee.

A BILL FOR AN ACT

1
2 Relating to the statute of limitations for certain actions based on discrimination in employment be-
3 cause of protected class status; creating new provisions; and amending ORS 659A.820 and
4 659A.875.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 659A.820 is amended to read:

7 659A.820. (1) As used in this section, for purposes of a complaint alleging an unlawful practice
8 under ORS 659A.145 or 659A.421 or discrimination under federal housing law, "aggrieved person"
9 includes a person who believes that the person:

10 (a) Has been injured by an unlawful practice or discriminatory housing practice; or

11 (b) Will be injured by an unlawful practice or discriminatory housing practice that is about to
12 occur.

13 (2)(a) [*Any*] A person claiming to be aggrieved by an alleged unlawful practice may file with the
14 Commissioner of the Bureau of Labor and Industries a verified written complaint that states the
15 name and address of the person alleged to have committed the unlawful practice. The complaint
16 must be signed by the complainant. The complaint must set forth the acts or omissions alleged to
17 be an unlawful practice. The complainant may be required to set forth in the complaint such other
18 information as the commissioner may require.

19 (b) Except as provided in ORS 654.062 **and paragraph (c) of this subsection**, a complaint un-
20 der this section must be filed no later than one year after the alleged unlawful practice.

21 (c) **A person claiming to be aggrieved by an unlawful practice under ORS 659A.030 may**
22 **file a complaint under this section no later than two years after the occurrence of the alleged**
23 **unlawful practice.**

24 (3)(a) Except as provided in paragraph (b) of this subsection, a complaint may not be filed under
25 this section if a civil action has been commenced in state or federal court alleging the same matters.

26 (b) The prohibition described in paragraph (a) of this subsection does not apply to a complaint
27 alleging an unlawful practice under ORS 659A.145 or 659A.421 or alleging discrimination under
28 federal housing law.

29 (4) If an employer has one or more employees who refuse or threaten to refuse to abide by the
30 provisions of this chapter or to cooperate in carrying out the purposes of this chapter, the employer
31 may file with the commissioner a verified complaint requesting assistance by conciliation or other

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 remedial action.

2 (5) Except as provided in subsection (6) of this section, the commissioner shall notify the person
 3 against whom a complaint is made within 30 days of the filing of the complaint. The commissioner
 4 shall include in the notice the date, place and circumstances of the alleged unlawful practice.

5 (6) The commissioner shall notify the person against whom a complaint alleging an unlawful
 6 practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law is made
 7 within 10 days of the filing of the complaint. The commissioner shall include in the notice:

8 (a) The date, place and circumstances of the alleged unlawful practice; and

9 (b) A statement that the person against whom the complaint is made may file an answer to the
 10 complaint.

11 **SECTION 2.** ORS 659A.875 is amended to read:

12 659A.875. (1)(a) Except as provided in **paragraph (b) of this subsection and** subsection (2) of
 13 this section, a civil action under ORS 659A.885 alleging an unlawful employment practice must be
 14 commenced within one year after the occurrence of the unlawful employment practice unless a
 15 complaint has been timely filed under ORS 659A.820.

16 **(b) A civil action under ORS 659A.885 alleging an unlawful employment practice under**
 17 **ORS 659A.030 must be commenced within two years after the occurrence of the alleged un-**
 18 **lawful employment practice unless a complaint has been timely filed under ORS 659A.820.**

19 (2) A person who has filed a complaint under ORS 659A.820 must commence a civil action under
 20 ORS 659A.885 within 90 days after a 90-day notice is mailed to the complainant under ORS 659A.880.
 21 This subsection does not apply to a complainant alleging an unlawful practice under ORS 659A.145
 22 or 659A.421 or discrimination under federal housing law.

23 (3) A civil action alleging a violation of ORS 659A.145 or 659A.421 must be commenced not later
 24 than two years after the occurrence or the termination of the unlawful practice, or within two years
 25 after the breach of any settlement agreement entered into under ORS 659A.840, whichever occurs
 26 last. The two-year period shall not include any time during which an administrative proceeding was
 27 pending with respect to the unlawful practice.

28 (4) A civil action under ORS 659A.885 alleging an unlawful practice in violation of ORS
 29 659A.403 or 659A.406 must be commenced within one year of the occurrence of the unlawful prac-
 30 tice.

31 (5) The notice of claim required under ORS 30.275 must be given in any civil action under ORS
 32 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or agent of a
 33 public body as defined in ORS 30.260.

34 (6) Notwithstanding ORS 30.275 (9), a civil action under ORS 659A.885 against a public body,
 35 as defined in ORS 30.260, or any officer, employee or agent of a public body as defined in ORS
 36 30.260, based on an unlawful employment practice must be commenced within one year after the
 37 occurrence of the unlawful employment practice unless a complaint has been timely filed under ORS
 38 659A.820.

39 **(7) Notwithstanding ORS 30.275 (9) and subsection (6) of this section, a civil action under**
 40 **ORS 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or**
 41 **agent of a public body as defined in ORS 30.260, based on an unlawful employment practice**
 42 **under ORS 659A.030 must be commenced within two years after the occurrence of the un-**
 43 **lawful employment practice unless a complaint has been timely filed under ORS 659A.820.**

44 **SECTION 3.** The amendments to ORS 659A.820 and 659A.875 by sections 1 and 2 of this
 45 2013 Act apply to complaints or civil actions commenced on or after the effective date of this

1 **2013 Act.**

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