

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2005 - MRA

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Provides definitions relating to comparable work for purposes of pay equity provisions.

Government Unit(s) Affected:

Cities, Counties, Special Districts, Department of Justice, Bureau of Labor and Industries (BOLI)

Analysis:

The bill would expand statute to make it an unlawful employment practice to discriminate between employees or applicants based on race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability, or age in the payment of wages or other forms of compensation. Furthermore, the bill makes it an unlawful employment practice to screen job applicants for new jobs based on current or past compensation, or to determine compensation for a new position based on current or past compensation. In addition, the bill would make it an unlawful employment practice to seek the salary history of an applicant or employee from a current or former employer, other than after making an offer of employment. Employers would only be permitted to provide pay differentials that are based on merit, seniority, piece-rate, location or a bona fide factor related to education, training or experience. Employees who assert a violation of these anti-discrimination laws may file a complaint with the Commissioner of the Bureau of Labor and Industries. Employees would have the right to compensatory damages or \$250, whichever is greater. It is an affirmative defense if an employer has within three years before the date that an employee files a complaint to complete a self-evaluation of pay practices and demonstrate reasonable progress toward eliminating wage differential based on discrimination.

There are over 140,000 employers in Oregon, employing more than 1.7 million employees, that could potentially be subject to the provisions in this bill. The Bureau of Labor and Industries may experience an impact to the workload within the Civil Rights division, related to a potential increase in the number of complaints associated with this bill. The Legislative Fiscal Office (LFO) does not have adequate historical information to assess the potential impacts of this bill on BOLI, and therefore, the fiscal impact cannot be determined at this time.