

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

Measure: HB 2341 - 5

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

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Measure Description:

Makes unlawful employment practice for employer to deny reasonable accommodation to known limitations related to pregnancy, childbirth or related medical condition or to take certain actions related to reasonable accommodations to known limitations related to pregnancy, childbirth or related medical condition.

Government Unit(s) Affected:

Bureau of Labor and Industries (BOLI), Employment Relations Board (ERB), Department of Justice (DOJ), Oregon Judicial Department (OJD)

Summary of Fiscal Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

Analysis:

HB 2341 - 5 directs employers to implement and follow certain workplace protections for pregnant employees. This measure makes it an unlawful employment practice for an employer, because of known limitations related to pregnancy, childbirth or a related medical condition (including lactation), to:

- Deny employment opportunities based on the need of the employer to make a reasonable accommodation to a known limitation.
- Fail or refuse to make a reasonable accommodation, unless it would impose an undue hardship on the employer's business.
- Take adverse employment action because the applicant or employee inquired about, requested, or used a reasonable accommodation.
- Require an applicant or employee to accept a reasonable accommodation that is unnecessary.
- Require an employee to take family leave, or any other leave, if the employer can make a reasonable accommodation.

The bill lowers the threshold for employee pregnancy protections to include all employers with six or more employees. The bill further requires an employer to post signs that provide notice to employees about employment protections, including the right to reasonable accommodation, in addition to providing a written copy of the notice to employees.

The Department of Justice (DOJ) and Oregon Judicial Department (OJD) could see an increase in case filings related to this measure, but this increased workload is anticipated to be absorbed by current agency resources.

The Bureau of Labor and Industries (BOLI) will face additional administrative costs due to this measure. This includes creating training and education materials related to these protections; additional trainings for BOLI staff and updates to internal documents; and a likely increase in complaints filed and complaint investigations. Individually, these activities are anticipated to have a minimal fiscal impact, but the cumulative impact of implementing this measure could have a greater than minimal fiscal impact for BOLI.