

SB 478 -5 STAFF MEASURE SUMMARY

Senate Committee On Workforce

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Meeting Dates: 2/28, 4/2, 4/4

WHAT THE MEASURE DOES:

Prohibits amounts received as contributions by a candidate, a political committee of a candidate or holder of public office, or a chief petitioner or treasurer of a petition committee for use as payment in connection with nondisclosure agreement (NDA) relating to harassment in the workplace harassment. Prohibits public officials or candidates from using (a) public money for use as payments in connection with NDA relating to workplace harassment and (b) money from third party to make payments in connection with NDA relating to workplace harassment, if alleged harassment occurred when the official or candidate was acting as an official or candidate. Declares emergency effective on passage.

ISSUES DISCUSSED:

- Existing laws regulating use of campaign funds
- Difficulty of discovering payments made by third parties

EFFECT OF AMENDMENT:

-5 Defines workplace harassment. Defines "payments in connection with a nondisclosure agreement" as including money, stock, severance payments, promises of positive a reference or assistance with future public employment, promise of bonus payments, alternative work arrangements, and waiver of future claims. Renders NDA void and unenforceable if prohibited terms or conditions are present. Increases civil penalty in civil action from \$1000 to two times the amount of the contractual penalty contained in the NDA. Increases civil penalty in governmental ethics proceeding from \$5000 to two times the contractual penalty contained in the NDA.

BACKGROUND:

Oregon law is silent on whether campaign funds or public funds may be used to make payments in connection with nondisclosure agreement relating to workplace harassment. Senate Bill 478 would prohibit the practice. In addition, Senate Bill 478 would prohibit public officials or candidates from using money from any third party to make payments in connection with nondisclosure agreement relating to workplace harassment, if alleged harassment occurred when the official or candidate was acting as an official or candidate.