

HB 2589 A STAFF MEASURE SUMMARY

Carrier: Rep. Power

House Committee On Judiciary

Action Date: 03/04/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-0-3-0

Yeas: 8 - Barker, Bynum, Greenlick, Lewis, McLane, Piluso, Power, Williamson

Exc: 3 - Gorsek, Sprenger, Stark

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/26, 3/4

WHAT THE MEASURE DOES:

Updates language in employment discrimination statutes. Specifies that sexual orientation is not a physical or mental impairment for purposes of employment discrimination statutes. Removes provision that failure to provide reasonable accommodation for individual with disability arising out of transsexualism is not an unlawful employment practice. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of employment discrimination statutes and citizen initiative petitions relating to sexual orientation
- Recognition that gender identity is not a health diagnosis
- Protections for persons based on sexual orientation under 2007 Oregon Equality Act at ORS 659A.030
- Confusion based on use of "transsexualism" in employment discrimination cases

EFFECT OF AMENDMENT:

Specifies that sexual orientation is not a physical or mental impairment. Removes reference to transgender status, limiting measure to include only reference to sexual orientation.

BACKGROUND:

The Americans with Disabilities Act (ADA) became law in 1990. Among other protections, the ADA prohibits discrimination against individuals with disabilities in employment. State law parallels the ADA in Chapter 659A of the Oregon Revised Statutes, requiring reasonable accommodations be made by employers for employees with disabilities. Current Oregon law recognizes reasonable accommodations as making existing facilities accessible and usable; restructuring a job schedule; acquiring or modifying equipment or devices; adjustment of examinations, training materials, or policy; or providing interpreters or readers. Current law also specifies that an employer may not be found to have engaged in an unlawful employment practice solely because the employer failed to provide reasonable accommodation to an individual with a disability arising out of transsexualism.

House Bill 2589 A updates language relating to sexual orientation and removes language stating that employer's failure to provide reasonable accommodations arising out of transsexualism is not an unlawful employment practice.