

# Senate Bill 123

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## 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 application of provision prohibiting salary history inquiries to include employment agencies.

Provides that 90-day notice of complainant's right to file civil action does not apply to complaints alleging violation of prohibition against salary inquiries filed before January 1, 2024.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to unlawful employment practices; creating new provisions; amending ORS 659A.357; and  
3 declaring an emergency.

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

5 **SECTION 1. ORS 659A.357 is added to and made a part of ORS chapter 659A.**

6 **SECTION 2. ORS 659A.357 is amended to read:**

7 659A.357. (1) It is an unlawful practice under [*ORS chapter 659A*] **this chapter** for an  
8 employer, [*or*] prospective employer **or employment agency** to seek the salary history of an appli-  
9 cant or employee from the applicant or employee or a current or former employer of the applicant  
10 or employee. This section is not intended to prevent an employer from requesting from a prospective  
11 employee written authorization to confirm prior compensation after the employer makes an offer of  
12 employment to the prospective employee that includes an amount of compensation.

13 **(2) An employee or applicant may file a complaint under ORS 659A.820 alleging a violation**  
14 **of this section.**

15 **(3) The provisions of ORS 659A.880 do not apply to, and the Commissioner of the Bureau**  
16 **of Labor and Industries may not issue a 90-day notice for, a complaint filed under ORS**  
17 **659A.820 alleging a violation of this section.**

18 **SECTION 3. ORS 659A.357, as amended by section 2 of this 2019 Act, is amended to read:**

19 659A.357. (1) It is an unlawful practice under this chapter for an employer, prospective employer  
20 or employment agency to seek the salary history of an applicant or employee from the applicant or  
21 employee or a current or former employer of the applicant or employee. This section is not intended  
22 to prevent an employer from requesting from a prospective employee written authorization to con-  
23 firm prior compensation after the employer makes an offer of employment to the prospective em-  
24 ployee that includes an amount of compensation.

25 (2) An employee or applicant may file a complaint under ORS 659A.820 alleging a violation of  
26 this section **or may bring a civil action under ORS 659A.885 and recover relief as provided by**  
27 **ORS 659A.885 (1) to (3).**

28 [*(3) The provisions of ORS 659A.880 do not apply to, and the Commissioner of the Bureau of Labor*

**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 *and Industries may not issue a 90-day notice for, a complaint filed under ORS 659A.820 alleging a*  
2 *violation of this section.]*

3 **SECTION 4. (1) The amendments to ORS 659A.357 by section 2 of this 2019 Act apply to**  
4 **complaints filed on or after the effective date of this 2019 Act and before January 1, 2024.**

5 **(2) The amendments to ORS 659A.357 by section 3 of this 2019 Act apply to complaints**  
6 **filed on or after January 1, 2024.**

7 **SECTION 5. The amendments to ORS 659A.357 by section 3 of this 2019 Act become op-**  
8 **erative on January 1, 2024.**

9 **SECTION 6. This 2019 Act being necessary for the immediate preservation of the public**  
10 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
11 **on its passage.**

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