

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 479
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

May 30

1 On page 1 of the printed A-engrossed bill, after line 4, insert:

2 **“SECTION 1. Sections 1a to 4 of this 2019 Act are added to and made a part of ORS**
3 **chapter 243.”**

4 In line 5, delete “1” and insert “1a” in both places.

5 On page 2, line 16, delete “and”.

6 In line 18, delete the period and insert “;

7 “(g) A statement that an employer may not require or coerce an employee to enter into a
8 nondisclosure or nondisparagement agreement, including a description of the meaning of those
9 terms;

10 “(h) An explanation that an employee claiming to be aggrieved by workplace harassment may
11 voluntarily request to enter into an agreement described in section 4 (2) of this 2019 Act, including
12 a statement that explains that the employee has at least seven days to revoke the agreement; and

13 “(i) A statement that advises employers and employees to document any incidents of workplace
14 harassment.”.

15 Delete lines 22 through 24 and insert:

16 “(4) If an employee discloses any concerns about workplace harassment to a supervisor of the
17 employer, or to a designated individual as described in section 3 (3) of this 2019 Act, the supervisor
18 or designated individual shall, at the time of the disclosure, provide to the employee a copy of the
19 policy described in this section.

20 “(5) A policy established under this section must comply with the requirements for a written
21 policy provided under section 3, chapter ___, Oregon Laws 2019 (Enrolled Senate Bill 726).”.

22 After line 31, insert:

23 “(3) Identify the individual designated by the employer who is responsible for receiving reports
24 of prohibited conduct, including an individual designated as an alternate to receive such reports.”.

25 In line 32, delete “(3)” and insert “(4)” and delete “(4)” and insert “(5)”.

26 In line 36, delete “(4)” and insert “(5)”.

27 In line 37, delete “(3)” and insert “(4)”.

28 In line 38, delete “subsections” and insert “subsection”.

29 In line 39, after “practice” insert “under ORS chapter 659A”.

30 On page 4, line 35, after “violation” insert a period and delete the rest of the line and line 36.

31 On page 5, line 13, before “alleging” insert “against a public body, as defined in ORS 30.260, or
32 any officer, employee or agent of a public body as defined in ORS 30.260,”.

33 After line 21, insert:

34 **“SECTION 6a. If Senate Bill 726 becomes law, section 6 of this 2019 Act (amending ORS**

1 **659A.875) is repealed and ORS 659A.875, as amended by section 6, chapter __, Oregon Laws**
2 **2019 (Enrolled Senate Bill 726), is amended to read:**

3 “659A.875. (1) Except as provided in subsection (2) of this section:

4 “(a) A civil action under ORS 659A.885 alleging an unlawful employment practice other than a
5 violation of ORS 659A.030, 659A.082 or 659A.112 or section 2 [of this 2019 Act], **chapter __, Oregon**
6 **Laws 2019 (Enrolled Senate Bill 726), or section 4 of this 2019 Act** must be commenced within
7 one year after the occurrence of the unlawful employment practice unless a complaint has been
8 timely filed under ORS 659A.820.

9 “(b) A civil action under ORS 659A.885 alleging a violation of ORS 659A.030, 659A.082 or
10 659A.112 or section 2 [of this 2019 Act], **chapter __, Oregon Laws 2019 (Enrolled Senate Bill**
11 **726), or section 4 of this 2019 Act** must be commenced not later than five years after the occur-
12 rence of the alleged violation.

13 “(2) A person who has filed a complaint under ORS 659A.820 must commence a civil action un-
14 der ORS 659A.885 within 90 days after a 90-day notice is mailed to the complainant under ORS
15 659A.880. This subsection does not apply to a complainant alleging an unlawful practice under ORS
16 659A.145 or 659A.421 or discrimination under federal housing law.

17 “(3) A civil action alleging a violation of ORS 659A.145 or 659A.421 must be commenced not
18 later than two years after the occurrence or the termination of the unlawful practice, or within two
19 years after the breach of any settlement agreement entered into under ORS 659A.840, whichever
20 occurs last. The two-year period shall not include any time during which an administrative pro-
21 ceeding was pending with respect to the unlawful practice.

22 “(4) A civil action under ORS 659A.885 alleging an unlawful practice in violation of ORS
23 659A.403 or 659A.406 must be commenced within one year of the occurrence of the unlawful prac-
24 tice.

25 “(5) The notice of claim required under ORS 30.275 must be given in any civil action under ORS
26 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or agent of a
27 public body as defined in ORS 30.260.

28 “(6) Notwithstanding ORS 30.275 (9):

29 “(a) A civil action under ORS 659A.885 against a public body, as defined in ORS 30.260, or any
30 officer, employee or agent of a public body as defined in ORS 30.260, based on an unlawful employ-
31 ment practice other than a violation of ORS 659A.030, 659A.082 or 659A.112 or section 2 [of this 2019
32 Act], **chapter __, Oregon Laws 2019 (Enrolled Senate Bill 726), or section 4 of this 2019 Act**
33 must be commenced within one year after the occurrence of the unlawful employment practice un-
34 less a complaint has been timely filed under ORS 659A.820.

35 “(b) A civil action under ORS 659A.885 alleging a violation of ORS 659A.030, 659A.082 or
36 659A.112 or section 2 [of this 2019 Act], **chapter __, Oregon Laws 2019 (Enrolled Senate Bill**
37 **726),** must be commenced not later than five years after the occurrence of the alleged violation
38 unless a complaint has been timely filed under ORS 659A.820.

39 “(c) **A civil action under ORS 659A.885 against a public body, as defined in ORS 30.260,**
40 **or any officer, employee or agent of a public body as defined in ORS 30.260, alleging a vio-**
41 **lation of ORS 659A.030, 659A.082 or 659A.112 or section 4 of this 2019 Act must be commenced**
42 **not later than five years after the occurrence of the alleged violation unless a complaint has**
43 **been timely filed under ORS 659A.820.**

44 “(7) For the purpose of time limitations, a compensation practice that is unlawful under ORS
45 652.220 occurs each time compensation is paid under a discriminatory compensation decision or

1 other practice.

2 “(8) Notwithstanding ORS 30.275 (2)(b), notice of claim against a public body under ORS 652.220
3 or 659A.355 must be given within 300 days of discovery of the alleged loss or injury.

4 “**SECTION 6b.** If Senate Bill 726 becomes law, section 10 of this 2019 Act is amended to read:

5 “**Sec. 10.** The amendments to ORS 659A.820 and 659A.875 by sections 5 and [6] **6a** of this 2019
6 Act apply to:

7 “(1) Conduct prohibited by ORS 659A.030, 659A.082 or 659A.112 occurring on or after the effec-
8 tive date of this 2019 Act.

9 “(2) Conduct prohibited by section 4 of this 2019 Act occurring on or after October 1, 2020.”
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