

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO  
SENATE BILL 479**

1 On page 1 of the printed bill, delete lines 4 through 29 and delete page  
2 2 and insert:

3 **“SECTION 1. As used in sections 1 to 4 of this 2019 Act:**

4 **“(1) ‘Public employer’ has the meaning given that term in ORS**  
5 **260.432.**

6 **“(2) ‘Workplace harassment’ means conduct that constitutes dis-**  
7 **crimination prohibited by ORS 659A.030, including conduct that con-**  
8 **stitutes sexual assault, as defined in ORS 181A.323.**

9 **“SECTION 2. (1) A public employer shall establish and adopt a**  
10 **written policy that seeks to prevent workplace harassment that occurs**  
11 **between employees or between an employer and an employee in the**  
12 **workplace or at a work-related event that is off the employment**  
13 **premises and coordinated by or through the employer, or between an**  
14 **employer and an employee, off the employment premises.**

15 **“(2) The policy must include:**

16 **“(a) A statement prohibiting workplace harassment;**

17 **“(b) Information explaining that a victim of workplace harassment**  
18 **has a right to seek redress through the employer’s internal process**  
19 **provided under section 3 of this 2019 Act, through the Bureau of Labor**  
20 **and Industries’ complaint resolution process under ORS 659A.820 to**  
21 **659A.865 or under any other available law, whether civil or criminal,**

1 **including:**

2 **“(A) The timeline under which relief may be sought;**

3 **“(B) Any available administrative or judicial remedies; and**

4 **“(C) The advance notice of claim against a public body that a**  
5 **claimant must provide as required under ORS 30.275;**

6 **“(c) A statement that a person who reports workplace harassment**  
7 **has the right to be protected from retaliation;**

8 **“(d) A statement of the scope of the policy, including that the policy**  
9 **applies to elected public officials, volunteers and interns;**

10 **“(e) An explanation that a victim of workplace harassment may**  
11 **voluntarily disclose information regarding an incident of workplace**  
12 **harassment that involves the victim; and**

13 **“(f) Information to connect a victim of workplace harassment with**  
14 **legal resources and counseling and support services, including any**  
15 **available employee assistance services.**

16 **“(3) A public employer shall provide a copy of the policies described**  
17 **in this section to each employee and shall include a copy of the poli-**  
18 **cies in any orientation materials that are provided to new employees**  
19 **at the time of hire.**

20 **“(4) If an employee discloses any concerns about workplace**  
21 **harassment to a supervisor of the employer, the supervisor shall, at**  
22 **the time of the disclosure, provide to the employee a copy of the poli-**  
23 **cies described in this section.**

24 **“SECTION 3. A public employer shall develop written policies and**  
25 **procedures for the prompt investigation of a report of workplace**  
26 **harassment. The policies and procedures must:**

27 **“(1) Provide instruction for maintaining records of workplace**  
28 **harassment.**

29 **“(2) Establish a process for a victim of workplace harassment to file**  
30 **a complaint, provided that the process allows a victim to file the**

1 complaint within five years from the date on which the alleged  
2 harassment occurred or within the applicable time limitation on the  
3 commencement of an action under ORS 659A.875, whichever is greater.

4 “(3) Subject to subsection (4) of this section, require the employer  
5 to follow up with the victim of the alleged harassment once every  
6 three months for the calendar year following the date on which the  
7 employer received a report of harassment, to determine whether the  
8 alleged harassment has stopped or if the victim has experienced re-  
9 taliation.

10 “(4) Inform the victim that the employer will follow up in the  
11 manner described in subsection (3) of this section until and unless the  
12 victim objects to such action in writing.

13 **“SECTION 4. (1) A public employer may not enter into an agree-**  
14 **ment with an employee or prospective employee, as a condition of**  
15 **employment, continued employment, promotion, compensation or the**  
16 **receipt of benefits, that contains a nondisclosure provision, a**  
17 **nondisparagement provision or any other provision that has the pur-**  
18 **pose or effect of preventing the employee from disclosing or discussing**  
19 **workplace harassment.**

20 “(2)(a) A public employer may not enter into a settlement, sepa-  
21 ration or severance agreement that includes a provision described un-  
22 der subsection (1) of this section or that prevents the disclosure of  
23 factual information relating to a claim of workplace harassment.

24 “(b) Paragraph (a) of this subsection does not apply if the settle-  
25 ment, separation or severance agreement is entered into at the request  
26 of an employee claiming to be a victim of workplace harassment.”.

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