

Senate Bill 1505

Sponsored by Senator BOQUIST (Pre-session filed.)

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**.

Allows certain former employees of office of President of Senate who were separated or terminated from employment due to certain unlawful conduct to file complaint with Commissioner of Bureau of Labor and Industries within one year after passage of Act. Authorizes commissioner to accept and investigate complaints received. Requires commissioner, upon finding of substantial evidence, to take steps to settle matter. Requires commissioner to notify Legislative Administration Committee each time settlement agreement has been reached.

Provides complainants with right to bring civil action for relief within one year after commissioner dismisses complaint.

Establishes Settlement Funds Account, separate and distinct from General Fund. Continuously appropriates moneys in account to Legislative Administration Committee to transfer funds to Commissioner of Bureau of Labor and Industries in \$100,000 increments for payment of up to eight settlements payable under settlement agreements entered into pursuant to Act.

Requires Commissioner of Bureau of Labor and Industries to provide to each member of Legislative Assembly report that summarizes details of each payment for settlement and indicates whether commissioner has received more than eight complaints.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to complaints involving former employees of the office of the President of the Senate; and
3 declaring an emergency.

4 Whereas up to eight former employees of the office of the Senate President were separated or
5 terminated from employment due to coercion, mistreatment or harassment; and

6 Whereas a Notice of Substantial Evidence Determination issued by the Bureau of Labor and
7 Industries identified at least four additional female employees who were separated or terminated
8 from employment due to abuse or harassment; and

9 Whereas a conciliation agreement entered into between the Bureau of Labor and Industries and
10 the Legislative Assembly on March 5, 2019, did not include those eight employees as recipients to
11 whom settlement was paid; and

12 Whereas the Commissioner of the Bureau of Labor and Industries awarded \$100,000 to each re-
13 cipient under the settlement; now, therefore,

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

15 **SECTION 1. (1) Notwithstanding the time limitation for filing a complaint under ORS**
16 **659A.820, for a period of one year after the effective date of this 2020 Act, a person who was**
17 **employed in the office of the President of the Senate and who was separated or terminated**
18 **from employment as a result of unlawful conduct that constitutes discrimination,**
19 **harassment or retaliation prohibited by ORS chapter 659A, at any time on or after January**
20 **1, 2015, and before the effective date of this 2020 Act, may file a complaint with the Com-**
21 **missioner of the Bureau of Labor and Industries in the same manner as provided by ORS**
22 **659A.820.**

23 **(2) A complaint authorized under subsection (1) of this section must be commenced**

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 within one year from the effective date of this 2020 Act to be considered timely.

2 **SECTION 2.** (1)(a) The Commissioner of the Bureau of Labor and Industries shall have
3 the authority to conduct investigations and resolve complaints filed under section 1 of this
4 2020 Act to the extent provided under ORS 659A.830.

5 (b) The commissioner shall investigate a complaint filed under section 1 of this 2020 Act
6 in the same manner as provided under ORS 659A.835.

7 (2) If, after the completion of an investigation under this section, the commissioner is-
8 sues a finding of substantial evidence, the commissioner shall take immediate steps to settle
9 the matter in the same manner as provided under ORS 659A.840, except that:

10 (a) The terms and conditions included in any settlement agreement entered into under
11 this section may not impose more stringent terms or conditions than the terms or conditions
12 included in any settlement agreement entered into on March 5, 2019, that arose out of com-
13 plaints alleging conduct in violation of ORS chapter 659A.

14 (b) Notwithstanding the confidentiality limitations provided in ORS 17.095 and 36.230 or
15 any other law governing confidentiality of settlements, the commissioner may not disclose
16 any terms and conditions of a settlement agreement entered into under this section that
17 reveal the identity of a person to whom the settlement is paid.

18 (c) The commissioner shall notify the Legislative Administration Committee each time a
19 settlement agreement has been entered into under this section.

20 (d) Any moneys paid under a settlement agreement entered into under this section shall
21 be paid in accordance with section 4 of this 2020 Act.

22 (3) Notwithstanding any provision of ORS chapter 183, a finding of substantial evidence
23 under this section shall be final and is not subject to further administrative or judicial re-
24 view.

25 **SECTION 3.** (1) Notwithstanding ORS 659A.880, if, after completion of an investigation
26 of a complaint under section 2 of this 2020 Act, the Commissioner of the Bureau of Labor
27 and Industries does not issue a finding of substantial evidence and dismisses the complaint
28 filed under section 1 of this 2020 Act, the commissioner shall send written notice of the dis-
29 missal to the complainant by mail, along with a notice that the complainant may bring a civil
30 action for damages against the Legislative Assembly within one year after the date of mail-
31 ing of the notice and that any right to bring an action under this subsection will be lost if
32 the action is not commenced within one year after the date of mailing of the notice.

33 (2) A person seeking to file an action against the Legislative Assembly under this section:

34 (a) May not bring an action until after the person has filed a compliant under section 1
35 of this 2020 Act and the commissioner has completed an investigation under section 2 of this
36 2020 Act and failed to issue a finding of substantial evidence.

37 (b) Shall file a notice of claim within 180 days of the date of the mailing of the notice
38 under subsection (1) of this section in the manner proved by ORS 30.275.

39 (c) May bring the action in the manner provided by ORS 659A.885 and recover the same
40 relief as provided by ORS 659A.885 (3) for unlawful practices.

41 (3) Notwithstanding any time limitation for the commencement of an action provided in
42 ORS 30.275 (9) or 659A.875, an action under this section must be commenced not later than
43 one year after the date of mailing of the notice under subsection (1) of this section.

44 **SECTION 4.** (1) There is established for the Legislative Assembly a Settlement Funds
45 Account, separate and distinct from the General Fund. The Settlement Funds Account shall

1 consist of moneys appropriated by the Legislative Assembly under section 7 of this 2020 Act.

2 (2) Moneys credited to the account are continuously appropriated to the Legislative Ad-
3 ministration Committee to be used solely for the purpose of transferring funds to the Com-
4 missioner of the Bureau of Labor and Industries, in increments of \$100,000, to pay up to eight
5 separate settlements payable to persons who filed a complaint under section 1 of this 2020
6 Act and who entered a settlement agreement under section 2 of this 2020 Act.

7 (3)(a) Within 30 days after the Legislative Administration Committee has received notice
8 from the commissioner that a settlement agreement has been entered into under section 2
9 of this 2020 Act, the committee shall transfer an amount equal to \$100,000 to the commis-
10 sioner for payment for settlement.

11 (b) The Legislative Administration Committee may transfer funds to the commissioner
12 for payments for settlement only after the commissioner has issued a finding of substantial
13 evidence and the commissioner has notified the committee that a settlement agreement has
14 been entered into under section 2 of this 2020 Act.

15 (4) Payments for settlement made by the commissioner under this section shall be lim-
16 ited to eight separate settlements. Each settlement payment may not exceed \$100,000.

17 (5) The Legislative Administration Committee shall transfer to the General Fund any
18 moneys remaining in the account after the payments for settlement under this section have
19 been made.

20 **SECTION 5.** Not later than 30 days after the Commissioner of the Bureau of Labor and
21 Industries has issued a payment for settlement to a person from the Settlement Funds Ac-
22 count under section 4 of this 2020 Act, the commissioner shall, subject to the confidentiality
23 requirements under section 2 of this 2020 Act, provide to each member of the Legislative
24 Assembly a report that summarizes the details of the settlement agreement and indicates
25 whether the commissioner has received more than eight complaints under section 1 of this
26 2020 Act.

27 **SECTION 6.** The Commissioner of the Bureau of Labor and Industries shall adopt any
28 rules necessary to administer and enforce the provisions of sections 1, 2 and 3 of this 2020
29 Act.

30 **SECTION 7.** In addition to and not in lieu of any other appropriation, there is appropri-
31 ated to the Legislative Administration Committee, for the biennium ending June 30, 2021, out
32 of the General Fund, the amount of \$800,000, which shall be paid into the Settlement Funds
33 Account established under section 4 of this 2020 Act to be expended for the purposes de-
34 scribed in section 4 of this 2020 Act.

35 **SECTION 8.** This 2020 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect
37 on its passage.

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