

HB 4041-1
(LC 197)
2/3/20 (DFY/ps)

Requested by HOUSE COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS (at the request of Representative Paul Evans)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4041**

1 On page 1 of the printed bill, line 8, delete “404.100,”.

2 In line 9, delete “404.105, 404.110, 404.120, 404.125, 404.200,”.

3 In line 10, delete “469.533,”.

4 In line 11, delete “469.534, 469.535, 469.536,”.

5 In line 12, delete “476.515,”.

6 On page 9, line 26, restore “Governor” and before “Director” insert “, and
7 in consultation with the”.

8 On page 11, delete lines 3 through 45.

9 On page 12, delete lines 1 and 2 and insert:

10 “**NOTE:** Sections 19 through 23 were deleted by amendment. Subsequent
11 sections were not renumbered.”.

12 On page 52, delete lines 35 through 45 and delete pages 53 through 55.

13 On page 56, delete lines 1 through 24 and insert:

14 “**NOTE:** Sections 97 through 107 were deleted by amendment. Subsequent
15 sections were not renumbered.”.

16 On page 83, after line 1, insert:

17

18 **“EMERGENCY VOLUNTEER LEAVE**

19

20 **“SECTION 152a. (1) Upon request of an employee who volunteers
21 with an emergency response organization, an employer shall grant the**

1 employee a leave of absence to provide disaster relief services or other
2 emergency response services. The employer may require the employee
3 to provide written documentation from the organization with which
4 the employee volunteers before granting a leave of absence under this
5 section. An employee is entitled to no more than 30 days of leave per
6 calendar year under this section.

7 “(2) The regular employment position of an employee on a leave of
8 absence under this section shall be considered vacant only for the pe-
9 riod of the leave of absence. The employee may not be subject to re-
10 moval or discharge from such position as a consequence of the leave
11 of absence.

12 “(3) Upon the termination of a leave of absence under this section,
13 the employee shall be restored to the employee’s position or an
14 equivalent position by the employer without loss of seniority, vacation
15 credits, sick leave credits, service credits under a pension plan or any
16 other employee benefit or right that had been earned at the time of
17 the leave of absence.

18 “(4)(a) Except as provided in paragraph (b) of this subsection, and
19 unless otherwise provided by the terms of an agreement between the
20 employee and the employer, a collective bargaining agreement or an
21 employer policy, an employer is not required to pay wages or other
22 monetary compensation to an employee during a leave of absence un-
23 der subsection (1) of this section.

24 “(b) An employee taking a leave of absence under this section is
25 entitled to use any paid accrued sick leave, any paid accrued vacation
26 leave or any other paid leave offered by the employer during the leave
27 of absence.

28 “(c) Subject to the terms of any agreement between the employee
29 and the employer or the terms of a collective bargaining agreement,
30 the employer may determine the particular order in which accrued

1 leave is to be used in circumstances in which more than one type of
2 accrued leave is available to the employee.

3 “(5) The Oregon Department of Emergency Management shall
4 maintain a list of organizations that qualify as emergency response
5 organizations under this section. The department shall add an organ-
6 ization to the list if the department verifies that the organization is
7 capable of providing competent emergency response services in this
8 state. The department may adopt rules for the administration of this
9 subsection.

10 “(6) As used in this section:

11 “(a) ‘Emergency response organization’ means an organization
12 identified by the department under subsection (5) of this section.

13 “(b) ‘Employee’ means any individual, other than a copartner of the
14 employer or an independent contractor, who renders personal services
15 in this state to an employer who pays or agrees to pay wages or other
16 compensation to the individual for those services.

17 “(c) ‘Employer’ means any person who employs one or more em-
18 ployees in this state. ‘Employer’ includes the State of Oregon or any
19 county, city, district, authority, public corporation or entity and any
20 of their instrumentalities organized and existing under law or charter,
21 but does not include the federal government.

22 “SECTION 152b. (1) Any violation of section 152a of this 2020 Act
23 by an employer is an unlawful employment practice.

24 “(2) Complaints alleging a violation of section 152a of this 2020 Act
25 may be filed by employees with the Commissioner of the Bureau of
26 Labor and Industries. The commissioner shall enforce section 152a of
27 this 2020 Act in the manner provided in ORS chapter 659A for the
28 enforcement of other unlawful employment practices.

29 “(3) Any person claiming to be aggrieved by a violation of section
30 152a of this 2020 Act may bring a civil action in the manner provided

1 in ORS 659A.885.

2

3 **“EMERGENCY MEDICAL SERVICES MOBILIZATION PLAN**

4

5 **“SECTION 152c. (1) The Oregon Health Authority shall develop**
6 **recommendations for a comprehensive plan for mobilization of emer-**
7 **gency medical services in the event of a major emergency in this state.**

8 **“(2) The authority shall submit a report on its recommendations,**
9 **which may include recommendations for legislation, to an appropriate**
10 **standing or interim committee of the Legislative Assembly no later**
11 **than September 1, 2021.**

12

13 **“PREPARATION FOR IMPLEMENTATION”.**

14

15 In line 6, delete “97, 104 to 107” and insert “96” and delete “152” and in-
16 sert “152b”.

17 In line 7, delete “, 98 to 103”.

18 In line 18, delete “97, 104 to 107” and insert “96” and delete “152” and
19 insert “152b”.

20 In line 19, delete “, 98 to”.

21 In line 20, delete “103”.

22 In line 29, delete “97, 104 to 107” and insert “96” and delete “152” and
23 insert “152b”.

24 In line 30, delete “, 98 to 103”.

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