

HB 4041-5
(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 83 of the printed bill, after line 1, insert:

2
3 **“EMERGENCY VOLUNTEER LEAVE**

4
5 **“SECTION 152a. (1) Upon request of an employee who volunteers**
6 **with an emergency response organization, an employer shall grant the**
7 **employee a leave of absence to provide disaster relief services or other**
8 **emergency response services. The employer may require the employee**
9 **to provide written documentation from the organization with which**
10 **the employee volunteers before granting a leave of absence under this**
11 **section. An employee is entitled to no more than 30 days of leave per**
12 **calendar year under this section.**

13 **“(2) The regular employment position of an employee on a leave of**
14 **absence under this section shall be considered vacant only for the pe-**
15 **riod of the leave of absence. The employee may not be subject to re-**
16 **moval or discharge from such position as a consequence of the leave**
17 **of absence.**

18 **“(3) Upon the termination of a leave of absence under this section,**
19 **the employee shall be restored to the employee’s position or an**
20 **equivalent position by the employer without loss of seniority, vacation**
21 **credits, sick leave credits, service credits under a pension plan or any**

1 other employee benefit or right that had been earned at the time of
2 the leave of absence.

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

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

13 “(c) Subject to the terms of any agreement between the employee
14 and the employer or the terms of a collective bargaining agreement,
15 the employer may determine the particular order in which accrued
16 leave is to be used in circumstances in which more than one type of
17 accrued leave is available to the employee.

18 “(5) The Oregon Department of Emergency Management shall
19 maintain a list of organizations that qualify as emergency response
20 organizations under this section. The department shall add an organ-
21 ization to the list if the department verifies that the organization is
22 capable of providing competent emergency response services in this
23 state. The department may adopt rules for the administration of this
24 subsection.

25 “(6) As used in this section:

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

28 “(b) ‘Employee’ means any individual, other than a copartner of the
29 employer or an independent contractor, who renders personal services
30 in this state to an employer who pays or agrees to pay wages or other

1 **compensation to the individual for those services.**

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

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

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

14 **“(3) Any person claiming to be aggrieved by a violation of section**
15 **152a of this 2020 Act may bring a civil action in the manner provided**
16 **in ORS 659A.885.**

17

18 **“PREPARATION FOR IMPLEMENTATION”.**

19

20 In line 6, delete “152” and insert “152b”.

21 In line 18, delete “152” and insert “152b”.

22 In line 29, delete “152” and insert “152b”.

23 In line 31, delete “2023” and insert “2024”.

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