

Requested by Representative SALINAS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2358**

1 In line 2 of the printed bill, after “overtime” insert “; creating new pro-
2 visions; and amending ORS 653.055 and 653.256”.

3 In line 18, delete “or” and insert a comma.

4 In line 19, after “require” insert “or suffer”.

5 In line 20, delete “or” and insert a comma and after “require” insert “or
6 suffer”.

7 After line 29, insert:

8 “(5) A claim of a violation of this section may be made under ORS 653.055.

9 **“SECTION 2.** ORS 653.055 is amended to read:

10 “653.055. (1) Any employer who pays an employee less than the wages to
11 which the employee is entitled under ORS 653.010 to 653.261 **or section 1**
12 **of this 2021 Act** is liable to the employee affected:

13 “(a) For the full amount of the wages, less any amount actually paid to
14 the employee by the employer; and

15 “(b) For civil penalties provided in ORS 652.150.

16 “(2) Any agreement between an employee and an employer to work at less
17 than the wage rate required by ORS 653.010 to 653.261 **or section 1 of this**
18 **2021 Act** is no defense to an action under subsection (1) of this section.

19 “(3) The Commissioner of the Bureau of Labor and Industries has the
20 same powers and duties in connection with a wage claim based on ORS
21 653.010 to 653.261 **and section 1 of this 2021 Act** as the commissioner has

1 under ORS 652.310 to 652.445 and in addition the commissioner may, without
2 the necessity of assignments of wage claims from employees, initiate suits
3 against employers to enjoin future failures to pay required minimum wages
4 or overtime pay and to require the payment of minimum wages and overtime
5 pay due employees but not paid as of the time of the filing of suit. The
6 commissioner may join in a single proceeding and in one cause of suit any
7 number of wage claims against the same employer. If the commissioner does
8 not prevail in such action, the commissioner shall pay all costs and dis-
9 bursements from the Bureau of Labor and Industries Account.

10 “(4) The court may award reasonable attorney fees to the prevailing party
11 in any action brought by an employee under this section.

12 **“SECTION 3.** ORS 653.256 is amended to read:

13 “653.256. (1) In addition to any other penalty provided by law, the Com-
14 missioner of the Bureau of Labor and Industries may assess a civil penalty
15 not to exceed \$1,000 against any person that willfully violates **section 1 of**
16 **this 2021 Act**, ORS 653.025, 653.030, 653.045, 653.050, 653.060, 653.261, 653.265,
17 653.606, 653.611, 653.616, 653.621, 653.626, 653.631 or 653.636 or section 5,
18 chapter 537, Oregon Laws 2015, or any rule adopted thereunder.

19 “(2) In addition to any other penalty provided by law, the commissioner
20 may assess a civil penalty not to exceed \$1,000 against any person that in-
21 tentionally violates ORS 653.077 or any rule adopted thereunder.

22 “(3) Civil penalties authorized by this section shall be imposed in the
23 manner provided in ORS 183.745.

24 “(4)(a) All sums collected as penalties under this section shall be first
25 applied toward reimbursement of costs incurred in determining the vio-
26 lations, conducting hearings under this section and addressing and collecting
27 the penalties.

28 “(b) The remainder, if any, of the sums collected as penalties under sub-
29 section (1) of this section shall be paid over by the commissioner to the De-
30 partment of State Lands for the benefit of the Common School Fund of this

1 state. The department shall issue a receipt for the money to the commis-
2 sioner.

3 “(c) The remainder, if any, of the sums collected as penalties under sub-
4 section (2) of this section shall be paid over by the commissioner to the De-
5 partment of Human Services for the benefit of the Breastfeeding Mother
6 Friendly Employer Project. The department shall issue a receipt for the
7 moneys to the commissioner.”.

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