

Enrolled
Senate Bill 1514

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CHAPTER

AN ACT

Relating to employment; creating new provisions; amending ORS 652.210; and declaring an emergency.

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

SECTION 1. ORS 652.210 is amended to read:

652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

(1)(a) "Compensation" includes wages, salary, bonuses, benefits, fringe benefits and equity-based compensation.

(b) "Compensation" does not include:

(A) Vaccine incentives.

(B) **A hiring bonus offered to a prospective employee.**

(C) **A retention bonus offered to an employee.**

(2) "Employee" means any individual who, otherwise than as a copartner of the employer, as an independent contractor or as a participant in a work training program administered under the state or federal assistance laws, renders personal services wholly or partly in this state to an employer who pays or agrees to pay such individual at a fixed rate. However, when services are rendered only partly in this state, an individual is not an employee unless the contract of employment of the employee has been entered into, or payments thereunder are ordinarily made or to be made, within this state.

(3)(a) "Employer" means any person employing one or more employees, including the State of Oregon or any political subdivision thereof or any county, city, district, authority, public corporation or entity and any of their instrumentalities organized and existing under law or charter.

(b) "Employer" does not include the federal government.

(4) "Equal-pay analysis" means an evaluation process to assess and correct wage disparities among employees who perform work of comparable character.

(5) "Gender identity" has the meaning given that term in ORS 174.100.

(6) "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, veteran status, disability or age.

(7) "Public health emergency" means:

(a) A public health emergency declared under ORS 433.441.

(b) An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

(8) "Rate" with reference to wages means:

(a) The basis of compensation for services by an employee for an employer; and
(b) Compensation based on the time spent in the performance of the services, on the number of operations accomplished or on the quantity produced or handled.

(9) "Sexual orientation" has the meaning given that term in ORS 174.100.

(10) "System" means a consistent and verifiable method in use at the time that a violation is alleged under ORS 652.220.

(11) "Unpaid wages" means the difference between the wages actually paid to an employee and the wages required under ORS 652.220 to be paid to the employee.

(12) "Vaccine incentives" means monetary or nonmonetary incentives, including but not limited to additional paid time off or protected time off from work provided by employers to employees who have been immunized against infectious diseases for which a public health emergency has been declared.

(13) "Veteran status" means an individual is a veteran as defined in ORS 408.225.

(14) "Wages" means all compensation for performance of service by an employee for an employer, whether paid by the employer or another person, or paid in cash or any medium other than cash.

(15) "Working conditions" includes work environment, hours, time of day, physical surroundings and potential hazards encountered by an employee.

(16) "Work of comparable character" means work that requires substantially similar knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless of job description or job title.

SECTION 2. ORS 652.210, as amended by section 1 of this 2022 Act, is amended to read:

652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

(1)(a) "Compensation" includes wages, salary, bonuses, benefits, fringe benefits and equity-based compensation.

(b) "Compensation" does not include[:]

[*(A)*] vaccine incentives.

[*(B)*] *A hiring bonus offered to a prospective employee.*]

[*(C)*] *A retention bonus offered to an employee.*]

(2) "Employee" means any individual who, otherwise than as a copartner of the employer, as an independent contractor or as a participant in a work training program administered under the state or federal assistance laws, renders personal services wholly or partly in this state to an employer who pays or agrees to pay such individual at a fixed rate. However, when services are rendered only partly in this state, an individual is not an employee unless the contract of employment of the employee has been entered into, or payments thereunder are ordinarily made or to be made, within this state.

(3)(a) "Employer" means any person employing one or more employees, including the State of Oregon or any political subdivision thereof or any county, city, district, authority, public corporation or entity and any of their instrumentalities organized and existing under law or charter.

(b) "Employer" does not include the federal government.

(4) "Equal-pay analysis" means an evaluation process to assess and correct wage disparities among employees who perform work of comparable character.

(5) "Gender identity" has the meaning given that term in ORS 174.100.

(6) "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, veteran status, disability or age.

(7) "Public health emergency" means:

(a) A public health emergency declared under ORS 433.441.

(b) An emergency declared under ORS 401.165 if related to a public health emergency as defined in ORS 433.442.

(8) "Rate" with reference to wages means:

(a) The basis of compensation for services by an employee for an employer; and

(b) Compensation based on the time spent in the performance of the services, on the number of operations accomplished or on the quantity produced or handled.

(9) "Sexual orientation" has the meaning given that term in ORS 174.100.

(10) "System" means a consistent and verifiable method in use at the time that a violation is alleged under ORS 652.220.

(11) "Unpaid wages" means the difference between the wages actually paid to an employee and the wages required under ORS 652.220 to be paid to the employee.

(12) "Vaccine incentives" means monetary or nonmonetary incentives, including but not limited to additional paid time off or protected time off from work provided by employers to employees who have been immunized against infectious diseases for which a public health emergency has been declared.

(13) "Veteran status" means an individual is a veteran as defined in ORS 408.225.

(14) "Wages" means all compensation for performance of service by an employee for an employer, whether paid by the employer or another person, or paid in cash or any medium other than cash.

(15) "Working conditions" includes work environment, hours, time of day, physical surroundings and potential hazards encountered by an employee.

(16) "Work of comparable character" means work that requires substantially similar knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless of job description or job title.

SECTION 3. (1) The amendments to ORS 652.210 by section 1 of this 2022 Act apply to complaints filed with the Commissioner of the Bureau of Labor and Industries and to claims filed in a circuit court on or after March 1, 2022, and until the operative date specified in section 4 of this 2022 Act.

(2) The amendments to ORS 652.210 by section 2 of this 2022 Act apply to complaints filed with the Commissioner of the Bureau of Labor and Industries and to claims filed in a circuit court on or after the operative date specified in section 4 of this 2022 Act.

SECTION 4. The amendments to ORS 652.210 by section 2 of this 2022 Act become operative on the 180th day following the expiration or termination of the declaration of a state of emergency issued by the Governor on March 8, 2020. For purposes of this section, the period in which the declaration of emergency is in effect includes any extensions of the declaration of emergency.

SECTION 5. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by Senate February 16, 2022

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House February 24, 2022

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Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

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Shemia Fagan, Secretary of State