

A-Engrossed
Senate Bill 1514

Ordered by the Senate February 14
Including Senate Amendments dated February 14

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Labor and Business)

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.

[Requires Director of Employment Department to study financial stability of Unemployment Compensation Trust Fund and report findings to interim committees of Legislative Assembly related to employment on or before September 15, 2023.]

[Sunsets January 2, 2024.]

Temporarily modifies definition of "compensation," for purposes of pay equity requirements, to exclude hiring bonuses and retention bonuses. Provides that changes to definition apply only to complaints filed with Commissioner of Bureau of Labor and Industries and claims filed in circuit court between certain dates.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to employment; creating new provisions; amending ORS 652.210; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 652.210 is amended to read:

6 652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

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

9 (b) "Compensation" does not include:

10 (A) Vaccine incentives.

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

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

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

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

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

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

3 (5) “Gender identity” has the meaning given that term in ORS 174.100.

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

6 (7) “Public health emergency” means:

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

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

10 (8) “Rate” with reference to wages means:

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

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

14 (9) “Sexual orientation” has the meaning given that term in ORS 174.100.

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

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

19 (12) “Vaccine incentives” means monetary or nonmonetary incentives, including but not limited
20 to additional paid time off or protected time off from work provided by employers to employees who
21 have been immunized against infectious diseases for which a public health emergency has been de-
22 clared.

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

24 (14) “Wages” means all compensation for performance of service by an employee for an em-
25 ployer, whether paid by the employer or another person, or paid in cash or any medium other than
26 cash.

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

29 (16) “Work of comparable character” means work that requires substantially similar knowledge,
30 skill, effort, responsibility and working conditions in the performance of work, regardless of job de-
31 scription or job title.

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

33 652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

34 (1)(a) “Compensation” includes wages, salary, bonuses, benefits, fringe benefits and equity-based
35 compensation.

36 (b) “Compensation” does not include[:]

37 [(A)] vaccine incentives.

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

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

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

1 state.

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

5 (b) “Employer” does not include the federal government.

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

8 (5) “Gender identity” has the meaning given that term in ORS 174.100.

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

11 (7) “Public health emergency” means:

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

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

15 (8) “Rate” with reference to wages means:

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

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

19 (9) “Sexual orientation” has the meaning given that term in ORS 174.100.

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

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

24 (12) “Vaccine incentives” means monetary or nonmonetary incentives, including but not limited
25 to additional paid time off or protected time off from work provided by employers to employees who
26 have been immunized against infectious diseases for which a public health emergency has been de-
27 clared.

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

29 (14) “Wages” means all compensation for performance of service by an employee for an em-
30 ployer, whether paid by the employer or another person, or paid in cash or any medium other than
31 cash.

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

34 (16) “Work of comparable character” means work that requires substantially similar knowledge,
35 skill, effort, responsibility and working conditions in the performance of work, regardless of job de-
36 scription or job title.

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

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

44 **SECTION 4. The amendments to ORS 652.210 by section 2 of this 2022 Act become oper-**
45 **ative on the 180th day following the expiration or termination of the declaration of a state**

1 of emergency issued by the Governor on March 8, 2020. For purposes of this section, the
2 period in which the declaration of emergency is in effect includes any extensions of the
3 declaration of emergency.

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

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