

SENATE AMENDMENTS TO SENATE BILL 1514

By COMMITTEE ON LABOR AND BUSINESS

February 14

1 In line 2 of the printed bill, after “employment” insert “; creating new provisions; amending ORS
2 652.210; and declaring an emergency”.

3 Delete lines 4 through 8 and insert:

4 “**SECTION 1.** ORS 652.210 is amended to read:

5 “652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

6 “(1)(a) ‘Compensation’ includes wages, salary, bonuses, benefits, fringe benefits and equity-based
7 compensation.

8 “(b) ‘Compensation’ does not include:

9 “(A) Vaccine incentives.

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

11 “(C) A retention bonus offered to an employee.

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

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

22 “(b) ‘Employer’ does not include the federal government.

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

25 “(5) ‘Gender identity’ has the meaning given that term in ORS 174.100.

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

28 “(7) ‘Public health emergency’ means:

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

30 “(b) An emergency declared under ORS 401.165 if related to a public health emergency as de-
31 fined in ORS 433.442.

32 “(8) ‘Rate’ with reference to wages means:

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

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

1 “(9) ‘Sexual orientation’ has the meaning given that term in ORS 174.100.

2 “(10) ‘System’ means a consistent and verifiable method in use at the time that a violation is
3 alleged under ORS 652.220.

4 “(11) ‘Unpaid wages’ means the difference between the wages actually paid to an employee and
5 the wages required under ORS 652.220 to be paid to the employee.

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

10 “(13) ‘Veteran status’ means an individual is a veteran as defined in ORS 408.225.

11 “(14) ‘Wages’ means all compensation for performance of service by an employee for an em-
12 ployer, whether paid by the employer or another person, or paid in cash or any medium other than
13 cash.

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

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

19 “**SECTION 2.** ORS 652.210, as amended by section 1 of this 2022 Act, is amended to read:
20 “652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:
21 “(1)(a) ‘Compensation’ includes wages, salary, bonuses, benefits, fringe benefits and equity-based
22 compensation.
23 “(b) ‘Compensation’ does not include[:]
24 “[A] vaccine incentives.
25 “[B] *A hiring bonus offered to a prospective employee.*
26 “[C] *A retention bonus offered to an employee.*
27 “(2) ‘Employee’ means any individual who, otherwise than as a copartner of the employer, as an
28 independent contractor or as a participant in a work training program administered under the state
29 or federal assistance laws, renders personal services wholly or partly in this state to an employer
30 who pays or agrees to pay such individual at a fixed rate. However, when services are rendered only
31 partly in this state, an individual is not an employee unless the contract of employment of the em-
32 ployee has been entered into, or payments thereunder are ordinarily made or to be made, within this
33 state.
34 “(3)(a) ‘Employer’ means any person employing one or more employees, including the State of
35 Oregon or any political subdivision thereof or any county, city, district, authority, public corpo-
36 ration or entity and any of their instrumentalities organized and existing under law or charter.
37 “(b) ‘Employer’ does not include the federal government.
38 “(4) ‘Equal-pay analysis’ means an evaluation process to assess and correct wage disparities
39 among employees who perform work of comparable character.
40 “(5) ‘Gender identity’ has the meaning given that term in ORS 174.100.
41 “(6) ‘Protected class’ means a group of persons distinguished by race, color, religion, sex, sexual
42 orientation, gender identity, national origin, marital status, veteran status, disability or age.
43 “(7) ‘Public health emergency’ means:
44 “(a) A public health emergency declared under ORS 433.441.
45 “(b) An emergency declared under ORS 401.165 if related to a public health emergency as de-

1 fined in ORS 433.442.

2 “(8) ‘Rate’ with reference to wages means:

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

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

6 “(9) ‘Sexual orientation’ has the meaning given that term in ORS 174.100.

7 “(10) ‘System’ means a consistent and verifiable method in use at the time that a violation is
8 alleged under ORS 652.220.

9 “(11) ‘Unpaid wages’ means the difference between the wages actually paid to an employee and
10 the wages required under ORS 652.220 to be paid to the employee.

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

15 “(13) ‘Veteran status’ means an individual is a veteran as defined in ORS 408.225.

16 “(14) ‘Wages’ means all compensation for performance of service by an employee for an em-
17 ployer, whether paid by the employer or another person, or paid in cash or any medium other than
18 cash.

19 “(15) ‘Working conditions’ includes work environment, hours, time of day, physical surroundings
20 and potential hazards encountered by an employee.

21 “(16) ‘Work of comparable character’ means work that requires substantially similar knowledge,
22 skill, effort, responsibility and working conditions in the performance of work, regardless of job de-
23 scription or job title.

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

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

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

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