

HB 2888 -3 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/16, 3/28

WHAT THE MEASURE DOES:

Expands regular employment protections for members and prospective members of Legislative Assembly to include grant of time off for the performance of legislative duties. Defines legislative duties as attending legislative sessions; interim legislative committee meetings; task force, work group, or other meetings to develop or discuss legislation; and certain meetings of interstate body, commission, advisory committee, or other entity. Allows members and prospective members to request time off during an employer's work day, during which member or prospective member is on duty and performing work, to attend virtual committee meetings; attend virtual task force, work group, or similar gatherings at which legislative duties are performed; and use communication technology to perform legislative duties. Requires employer to allow member or prospective member to use furnished office or workspace or temporarily leave employer's premises to perform legislative duties. Exempts partial day grant of time off to member or prospective member employed less than 90 days immediately prior to first day time is granted, for certain incompatible positions, for temporary positions, and for employers with fewer than 10 persons. Directs Commissioner of the Bureau of Labor and Industries (BOLI) to provide technical advice and guidance to employers to facilitate compliance and provides BOLI with rulemaking authority. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Employer compensation provision and constitutional conflict
- Tying interim work of legislators to public meetings
- Sideboards to employer payments for office space
- Employer exemptions in measure

EFFECT OF AMENDMENT:

-3 Replaces measure. Expands regular employment protections for members and prospective members of Legislative Assembly to include grant of time off for the performance of legislative duties. Defines legislative duties as attending legislative sessions, interim legislative committee meetings, and meetings of task force established by law or rule. Allows members and prospective members to request time off during an employer's work day, during which member or prospective member is on duty and performing work, to attend virtual committee meetings subject to Oregon's open meetings requirements and use communication technology to perform legislative duties. Requires employer to allow member or prospective member to use furnished office or workspace or temporarily leave employer's premises to perform legislative duties. Allows employer, except business associated with member or prospective member or relative, to seek compensation from Legislative Administrator for reasonable market value of office or workspace used for legislative duties. Allows Legislative Administrator to establish procedures for compensation claims and to ascertain reasonable market value. Exempts partial day grant of time off to member or prospective member employed less than 90 days immediately prior to first day time is granted, for certain incompatible positions, for temporary positions, and for employers with fewer than 10 employed persons. Takes effect on 91st day following adjournment sine die.

FISCAL: May have fiscal impact, but no statement yet issued.

REVENUE: No revenue impact.

BACKGROUND:

Employment protections for members of the Legislative Assembly were first enacted in 1957. Current statute allows members and prospective members of the Legislative Assembly who leave regular employment to attend any regular or special session to be granted a leave of absence from such employment for a reasonable period to permit such attendance or performance of duties. The member or prospective member is required to give notice at least 30 days before a regular session and as soon as it is reasonably apparent that a special or emergency session is to be called.

House Bill 2888 expands the regular employment protections for members and prospective members of Legislative Assembly to include the grant of time off for the performance of legislative duties.