

SB 925 -2, -5, -6 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 3/16, 3/30

WHAT THE MEASURE DOES:

Prohibits employers from advertising for employment, promotion, or transfer opportunity without disclosing in job posting pay range and a general description of employment benefits associated with employment, promotion, or transfer opportunity. Prohibits employers from failing or refusing to disclose to an applicant pay range and general description of employment benefits for employment, promotion, or transfer opportunity that was not advertised in job posting. Prohibits employers from failing or refusing to provide each employee with pay range and general description of employment benefits associated with employment position held by employee at specified times. Prohibits employers from retaliating or discriminating against a person with respect to hire, tenure, or condition of employment because person exercises these notification rights. Requires employers to maintain specified records. Applies to positions performed in whole or in part in Oregon. Makes it an unlawful employment practice to violate these notification provisions. Directs Commissioner of Bureau of Labor and Industries to enforce these provisions and impose civil penalties for violation. Provides for civil action by person alleging violation of these provisions. Defines key terms. Makes conforming amendments. Operative on January 2, 2024. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Definition of job posting
- Other states that have enacted wage range transparency laws
- Need for record retention
- Process for civil penalty assessment against employer

EFFECT OF AMENDMENT:

-2 Prohibits employer or employment agency from failing or refusing to disclose wage and general description of employment benefits in job posting for employment, promotion, or transfer opportunity. Requires employer or employment agency to disclose wage and general description of employment benefits at specified times when employment, promotion, or transfer opportunity is not advertised in job posting. Prohibits employer or employment agency from failing or refusing to provide each employee with pay range and general description of employment benefits associated with employment position held by employee at specified times. Prohibits employer or employment agency from retaliating or discriminating against a person with respect to hire, tenure, or condition of employment because person exercises wage and employment benefit notification rights. Requires employers to maintain specified records. Applies to positions performed in whole or in part in Oregon. Makes violation of wage and employment benefit notification requirements an unlawful employment practice. Directs Commissioner of Bureau of Labor and Industries to enforce these provisions and impose civil penalties for violation. Provides for civil action by person alleging violation of wage and employment benefit notification requirements. Defines key terms.

-5 Prohibits employer or employment agency from failing or refusing to disclose wage and general description of employment benefits in job posting for employment, promotion, or transfer opportunity. Requires employer or employment agency to disclose wage and general description of employment benefits at specified times when employment, promotion, or transfer opportunity is not advertised in job posting. Prohibits employer or employment agency from failing or refusing to provide employees with current wage and general description of

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employment benefits associated with same or similar employment positions held by other employees at specified times. Requires employers to maintain specified records. Applies to positions performed in whole or in part in Oregon. Makes violation of wage and employment benefit notification requirements an unlawful employment practice. Directs Commissioner of Bureau of Labor and Industries to enforce these provisions when a person files a complaint and permits imposition of civil penalty for violation. Exempts employers with fewer than 15 employees from recordkeeping and enforcement provisions. Requires Commissioner of BOLI to dismiss complaint and issue letter of education to employer who has no prior violations of these wage and employment benefit notification provisions. Provides for civil action by person alleging violation of wage and employment benefit notification requirements. Defines key terms. Operative on January 2, 2024. Takes effect on 91st day following adjournment sine die.

-6 Replaces the measure. Defines key terms. Requires employer to disclose in each job posting for an open employment position the wage or salary scale and a general description of benefits. Requires employer who offers employee an internal transfer to new position or promotion to disclose wage scale or salary range upon in-person request of employee. Exempts employers with fewer than 25 employees. Makes it unlawful employment practice to violate wage or salary and benefit notice requirement for job postings. Permits person alleging violation to file complaint with Commissioner of Bureau of Labor and Industries and directs Commissioner to enforce wage or salary and benefit notice requirement. Allows Commissioner to enforce these provisions by imposition of civil penalty for violation. Directs Commissioner to issue letter of explanation or education to employer for first violation. Makes confirming amendments. Operative on January 2, 2024. Takes effect on 91st day following adjournment sine die.

BACKGROUND:

ORS Chapter 659A encompasses Oregon laws on unlawful employment discrimination. The Bureau of Labor and Industries (BOLI) is authorized to prevent unlawful discrimination, including the power to conduct investigations, take evidence, and the like. Employees may file complaints with BOLI alleging an unlawful employment practice or discrimination. The Bureau of Labor and Industries must cease an investigation into an unlawful employment discrimination claim once a civil action has been filed alleging the same matters that form the basis of the complaint.

In 2019, Colorado enacted the Equal Pay for Equal Work Act (Act). Effective January 1, 2021, the Colorado Act requires employers to include compensation in job postings and notify employees of promotional opportunities. Several other states and cities now have provisions similar to Colorado requiring employers to disclose salary range in job postings. For example, in 2022 Washington enacted legislation requiring employers to disclose salary range and a general description of benefits in every job posting.

Senate Bill 925 makes it an unlawful employment practice for an employer or employment agency to advertise a job, promotion, or transfer opportunity without disclosing the pay range and a general description of employment benefits in the job posting.