

House Bill 3172

Sponsored by Representative BOWMAN, Senator CAMPOS

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 **as introduced**.

Makes unlawful practice for employer to advertise employment opportunity without disclosing certain information regarding opportunity.

Requires employer to apprise all employer's employees of promotion opportunities. Creates exceptions.

Allows person to file complaint with Commissioner of Bureau of Labor and Industries for violation.

A BILL FOR AN ACT

1 Relating to transparency in advertising employment opportunities; and prescribing an effective date.

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

3 **SECTION 1. (1) As used in this section:**

4 (a) **"Compensation" includes wages, salary, bonuses and any other remuneration paid to**
5 **an employee by an employer for performance of service by the employee for the employer.**

6 (b) **"Employment benefits" includes health benefits, paid time off and retirement benefits.**

7 (c) **"Job posting" means any written or printed communication, whether electronic or**
8 **hard copy, by which an employer advertises that the employer is recruiting and accepting**
9 **applications for a specific employment position.**

10 (d) **"Pay range" means a range, from the lowest to the highest salary or hourly wage,**
11 **that the employer in good faith believes, at the time the job posting is posted, the employer**
12 **would pay as compensation for the specific employment position that is advertised in the job**
13 **posting.**

14 (2)(a) **It is an unlawful practice under ORS chapter 659A for an employer to directly or**
15 **indirectly, through an employment agency or other third party, advertise an employment**
16 **opportunity, including a promotion, without disclosing the following information in the job**
17 **posting:**

18 (A) **The job title associated with the opportunity;**

19 (B) **The compensation and pay range associated with the opportunity;**

20 (C) **A general description of the employment benefits associated with the opportunity;**

21 **and**

22 (D) **The manner by which an individual may apply for the opportunity.**

23 (b) **This subsection does not apply to employment opportunities that will be performed**
24 **entirely outside of this state.**

25 (3)(a) **When an employer offers an employment opportunity that is a promotion, the**
26 **employer shall apprise all of the employer's employees of the promotion opportunity by ad-**
27 **vertising the opportunity in a job posting that is accessible to employees in the same manner**
28 **or location that the employer's workplace policies, procedures and announcements are made**
29

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 readily available to employees, including but not limited to a printed or electronic employee
2 handbook.

3 (b) An employer shall make all reasonable efforts to advertise the promotion opportunity:

4 (A) No later than the day on which the promotion opportunity becomes available; and

5 (B) Before the employer makes a decision to award the promotion to a particular em-
6 ployee.

7 (c) This subsection does not apply to:

8 (A) A promotion opportunity that necessitates confidentiality because the promotion is
9 intended to replace an employee who currently holds the specific employment position with-
10 out the prior knowledge of the employee;

11 (B) A promotion that is associated with a position that will be performed entirely outside
12 of this state;

13 (C) A promotion that is intended to fill a position on an interim or temporary basis not
14 to exceed six months; or

15 (D) A promotion that is intended to automatically take effect upon an employee's suc-
16 cessful completion of a trial or probationary period.

17 (4) A person who alleges a violation of this section may file a complaint with the Com-
18 missioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

19 (5) The Commissioner of the Bureau of Labor and Industries may adopt rules to carry
20 out the provisions of this section.

21 **SECTION 2.** This 2023 Act takes effect on the 91st day after the date on which the 2023
22 regular session of the Eighty-second Legislative Assembly adjourns sine die.
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