

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3471

By COMMITTEE ON LABOR AND BUSINESS

May 8

1 Delete lines 6 through 20 of the printed A-engrossed bill and insert:

2 **“SECTION 2. (1) As used in this section:**

3 **“(a) ‘No-rehire provision’ means any provision in an agreement barring a worker from**
4 **seeking further employment, reemployment or reinstatement with an employer.**

5 **“(b) ‘Settlement agreement’ means a settlement agreement disposing of all or part of a**
6 **worker’s claim for workers’ compensation under ORS chapter 656.**

7 **“(c) ‘Worker’ means a worker who has applied for benefits or invoked or utilized the**
8 **procedures provided for in ORS chapter 656.**

9 **“(2) With respect to offers to enter into a settlement agreement, it is an unlawful em-**
10 **ployment practice for an employer to:**

11 **“(a) Make an offer to negotiate a settlement agreement conditional upon a worker also**
12 **entering into an agreement that includes a no-rehire provision.**

13 **“(b) Make an offer for a settlement agreement conditional upon the worker also entering**
14 **into an agreement that includes a no-rehire provision unless:**

15 **“(A) Prior to the offer, the worker has provided the employer with written confirmation**
16 **of the worker’s willingness to enter into an agreement that includes a no-rehire provision**
17 **as a condition of entering into the settlement agreement; and**

18 **“(B) The settlement offer affirmatively states that entering into the settlement agree-**
19 **ment is conditional upon the worker also entering into an agreement that includes a no-**
20 **rehire provision.**

21 **“(3) Provided that the requirements under subsection (2)(b) of this section are met, it is**
22 **not a violation of this section:**

23 **“(a) For any party participating in negotiations for a settlement agreement to make or**
24 **reject an offer for a settlement agreement that includes a no-rehire provision.**

25 **“(b) For an employer to require a worker, as a condition of a settlement agreement, to**
26 **also enter into an agreement that includes a no-rehire provision.**

27 **“(4) It is not a violation of this section for an employer to make an offer to enter into a**
28 **settlement agreement that includes a no-rehire provision when the following circumstances**
29 **exist:**

30 **“(a) The worker has not provided the written confirmation described in subsection**
31 **(2)(b)(A) of this section; and**

32 **“(b) The offer affirmatively states that the offer is not conditional upon the worker also**
33 **entering in an agreement that includes a no-rehire provision.**

34 **“(5) A worker may file a complaint under ORS 659A.820 for a violation of this section and**
35 **may bring a civil action under ORS 659A.885 and recover a civil penalty of up to \$5,000 and**

1 relief as provided by ORS 659A.885 (1) to (3).

2 “SECTION 3. Section 2 of this 2023 Act applies to settlement agreements entered into on
3 or after the effective date of this 2023 Act.”

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