

Requested by Representative DEXTER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2888**

1 On page 1 of the printed bill, delete lines 5 through 26 and delete pages  
2 2 through 4 and insert:

3 **“SECTION 1. As used in ORS 171.120 to 171.125:**

4 **“(1) ‘Legislative duties’:**

5 **“(a) Means:**

6 **“(A) Attending legislative sessions when the Legislative Assembly**  
7 **is in regular or special session;**

8 **“(B) Attending legislative committee meetings during interim peri-**  
9 **ods, including attending by virtual or remote means if virtual or re-**  
10  **mote attendance is permitted by legislative rule or statute;**

11 **“(C) Attending a meeting of a task force that has been established**  
12 **by law or rule; and**

13 **“(D) Using telephone, videoconferencing or other remote commu-**  
14 **nication technology to participate in meetings described in subpara-**  
15 **graph (C) of this paragraph.**

16 **“(b) Does not include:**

17 **“(A) Attending campaign or partisan events;**

18 **“(B) Attending private events; or**

19 **“(C) Participating in events described in this paragraph using tele-**  
20 **phone, videoconferencing or other remote communication technology.**

21 **“(2) ‘Member’ means a member of the Legislative Assembly.**

1       **“(3) ‘Prospective member’ means a person who is certified or ap-**  
2 **pointed to serve in the Legislative Assembly but who has not taken**  
3 **the oath of office.**

4       **“SECTION 2.** ORS 171.120 is amended to read:

5       **“171.120. (1) It is the policy of the State of Oregon that members and**  
6 **prospective members of the Legislative Assembly be accorded employ-**  
7 **ment protections that are sufficient to allow members and prospective**  
8 **members to attend to legislative duties without negative impact to the**  
9 **outside employment relationships that members and prospective**  
10 **members may maintain.** It is the purpose and intent of the Legislative  
11 Assembly in enacting [*this section and ORS 171.122 and 171.125*] **ORS 171.120**  
12 **to 171.125** that, subject to the conditions set forth in these sections, any  
13 member [*of the Legislative Assembly*] whose employment is interrupted be-  
14 cause of attendance at regular or special sessions of the Legislative Assem-  
15 bly or the performance of official duties as a member [*of the Legislative*  
16 *Assembly*] shall be restored to the employment status the member would have  
17 enjoyed if the member had continued in employment during any such at-  
18 tendance or performance of duties.

19       **“(2) As a part of the public policy to encourage public service, an em-**  
20 **ployer may not discharge or threaten to discharge, intimidate or coerce any**  
21 **employee by reason of the employee’s service or scheduled service as a**  
22 **member or prospective member [*of the Legislative Assembly*].**

23       **“(3) The member or prospective member may not be subject to discipline**  
24 **or harassment or placed at any employment disadvantage as a consequence**  
25 **of the leave of absence or grant of time off to perform legislative**  
26 **duties.** It is an unlawful employment practice under ORS chapter 659A for  
27 a member or prospective member to be subject to discipline or harassment  
28 or placed at any employment disadvantage as a consequence of any leave of  
29 absence **described in ORS 171.122** related to regular or special session at-  
30 tendance or **any leave of absence or time off granted for the perform-**

1 **ance of legislative duties as described in section 3 of this 2023 Act. A**  
2 **member or prospective member may file a complaint with the Commissioner**  
3 **of the Bureau of Labor and Industries under ORS 659A.820, or a civil action**  
4 **under ORS 659A.885, alleging violation of [this subsection] ORS 171.120 to**  
5 **171.125.**

6 **“SECTION 3. (1) Any member of the Legislative Assembly shall be**  
7 **granted time off during an employer’s work day during which the**  
8 **member is on duty and performing work for the employer to:**

9 **“(a) Attend virtual committee meetings subject to Article IV, sec-**  
10 **tion 14, of the Oregon Constitution, or ORS 192.630 using online, tele-**  
11 **phonic or videoconferencing technology; or**

12 **“(b) Place or receive telephone calls or use other communicative**  
13 **technology to perform legislative duties.**

14 **“(2) An employer of a member that also has furnished the member**  
15 **with an office or other workspace that permits private conversation**  
16 **shall allow the member to perform legislative duties at that office or**  
17 **workspace. An employer of a member shall allow a member to tem-**  
18 **porarily leave the employer’s premises to perform legislative duties**  
19 **and then return to the employer’s premises to continue work on behalf**  
20 **of the employer.**

21 **“(3) An employer:**

22 **“(a) Is not required to compensate the member for time spent per-**  
23 **forming legislative duties described in this section, but may not with-**  
24 **hold from compensation amounts that exceed the hourly rate of**  
25 **compensation, as computed in 15-minute increments, for time that the**  
26 **member spends performing legislative duties; and**

27 **“(b) May seek compensation from the Legislative Administrator for**  
28 **the reasonable market value of the use of the office or other work-**  
29 **space for the duration of time that the member actually uses the office**  
30 **or other workspace in order to perform legislative duties. The Legis-**

1 **lative Administrator may establish procedures for an employer to**  
2 **submit claims for compensation under this paragraph and for ascer-**  
3 **taining the reasonable market value, on an hourly basis, for the use**  
4 **of an employer’s office or workspace for the performance of legislative**  
5 **duties.**

6 **“(4)(a) Subsection (3) of this section does not apply if the employer**  
7 **is a business with which the person or a relative of the person is as-**  
8 **sociated.**

9 **“(b) As used in this subsection:**

10 **“(A) ‘Business with which the person is associated’ has the meaning**  
11 **given that term in ORS 244.020.**

12 **“(B) ‘Person’ means a member.**

13 **“(C) ‘Relative’ has the meaning given that term in ORS 244.020.**

14 **“(5) This section is not applicable if:**

15 **“(a) The member was employed by the employer for a period of less**  
16 **than 90 days immediately prior to the first day in which time is**  
17 **granted to the member to perform legislative duties;**

18 **“(b) The regular employment position of the member or the char-**  
19 **acter, terms, conditions or activities of the position are incompatible**  
20 **under the Constitution and laws of this state with the office of mem-**  
21 **ber of the Legislative Assembly;**

22 **“(c) Employment is on a temporary basis; or**

23 **“(d) The employer employs fewer than 10 persons immediately prior**  
24 **to the first day for which time off is sought by the member under**  
25 **subsection (1) of this section to perform legislative duties.**

26 **“SECTION 4. ORS 171.122 is amended to read:**

27 **“171.122. (1) Any member or prospective member of the Legislative As-**  
28 **sembly who leaves regular employment in order to attend upon any regular**  
29 **or special session of the Legislative Assembly or to perform [official] legis-**  
30 **lative duties [as a member or prospective member of the Legislative Assembly**

1 *for which the member or prospective member may receive a per diem under*  
2 *ORS 171.072 or may receive reimbursements for out-of-state travel*], shall be  
3 granted a leave of absence from such regular employment position for  
4 [*such*] **the** period of time as is reasonably necessary to permit [*such*] **that**  
5 attendance or performance of duties.

6 “(2) A member or prospective member [*of the Legislative Assembly*] shall  
7 give notice to the employer when the leave of absence described in sub-  
8 section (1) of this section is anticipated or is to be taken:

9 “(a) At least 30 days before a regular session; and

10 “(b) As soon as it is reasonably apparent that:

11 “(A) A special or emergency session is to be called; **or**

12 “(B) **The member or prospective member is expected to perform**  
13 **legislative duties.**

14 “(3) The regular employment position of a member or prospective member  
15 on leave of absence under this section shall only be deemed vacant for the  
16 period of such leave of absence, and the member or prospective member shall  
17 not be subject to removal or discharge from such position as a consequence  
18 of such leave of absence.

19 “(4) Upon the termination of the leave of absence of the member or pro-  
20 spective member under this section, a member or prospective member shall  
21 be restored to the regular employment position the member or prospective  
22 member held immediately prior to the first day of the leave of absence if such  
23 position still exists, or, if such position does not still exist, to as similar a  
24 position as possible, without loss of seniority, the right to participate in in-  
25 surance or any other employment benefits, other than wages for services not  
26 rendered during the leave of absence, as a consequence of the leave of ab-  
27 sence of the member or prospective member. Such seniority, right to partic-  
28 ipate in insurance or other employment benefits shall continue to accumulate  
29 during the leave of absence as though the member or prospective member  
30 had continued in employment continuously in the regular employment posi-

1 tion the member or prospective member held immediately prior to the first  
2 day of the leave of absence of the member or prospective member.

3 “(5) This section is not applicable if:

4 “(a) The member or prospective member was employed by the employer for  
5 a period of less than 90 days immediately prior to the first day of the leave  
6 of absence.

7 “(b) The circumstances of the employer have so changed during the leave  
8 of absence of the member or prospective member as to make restoration of  
9 the member or prospective member to employment impossible or unreason-  
10 able.

11 “(c) The member or prospective member fails to apply for restoration to  
12 employment within:

13 “(A) Fifteen days after adjournment sine die of the Legislative Assembly  
14 following a regular session; or

15 “(B) If the leave was for a lesser period for another legislative assign-  
16 ment, five days after the assignment is completed.

17 “(d) The regular employment position of the member or prospective mem-  
18 ber immediately prior to the first day of the leave of absence or the charac-  
19 ter, terms, conditions or activities of such position are incompatible under  
20 the Constitution and laws of this state with the office of member of the  
21 Legislative Assembly.

22 “(e) Employment is on a temporary basis.

23 “(f) The employer employs fewer than 10 persons immediately prior to the  
24 first day of the leave of absence.

25 “[*(6) As used in this section, ‘prospective member’ means a person who is*  
26 *certified or appointed to serve in the Legislative Assembly but who has not*  
27 *taken the oath of office.*]

28 “**SECTION 5.** ORS 171.125 is amended to read:

29 “171.125. (1) If any employer fails to comply with the provisions of ORS  
30 171.120 [*and 171.122*] **to 171.125**, the circuit court for any county in which

1 [such] **the** employer maintains a place of business has jurisdiction, upon the  
2 filing of a petition by the Attorney General on behalf of [the person] **a**  
3 **member or prospective member**, [entitled to such benefits by reason of  
4 noncompliance of the employer, specifically] to require the employer to comply  
5 with the provisions of ORS 171.120 [and 171.122] **to 171.125.**

6 “(2) If any employer fails to comply with ORS 171.120 [and 171.122] **to**  
7 **171.125**, the member or prospective member may bring an action under ORS  
8 chapter 659A employing counsel of the member’s or prospective member’s  
9 own choosing.

10 **“SECTION 6. Sections 1 and 3 of this 2023 Act are added to and**  
11 **made a part of ORS 171.120 to 171.125.**

12 **“SECTION 7. This 2023 Act takes effect on the 91st day after the**  
13 **date on which the 2023 regular session of the Eighty-second Legislative**  
14 **Assembly adjourns sine die.”.**

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