

Requested by SENATE COMMITTEE ON LABOR AND BUSINESS

**PROPOSED AMENDMENTS TO
SENATE BILL 925**

1 On page 1 of the printed bill, line 3, delete “659A.357 and 659A.360” and
2 insert “659A.830”.

3 Delete lines 5 through 26 and delete pages 2 and 3 and insert:.

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

5 **“(a)(A) ‘Job posting’ means any solicitation issued directly by an**
6 **employer or indirectly by a third party that is intended to recruit job**
7 **applicants for a specific available employment position and that:**

8 **“(i) Is circulated electronically or through printed hard copy; and**

9 **“(ii) Includes the qualifications for desired applicants.**

10 **“(B) ‘Job posting’ does not mean solicitations that exclude refer-**
11 **ences to a specific available employment position or specific quali-**
12 **fications for desired applicants.**

13 **“(b) ‘Wage scale’ means the salary or hourly range that an em-**
14 **ployer reasonably expects to pay as compensation for an employment**
15 **position.**

16 **“(2) An employer shall disclose in each job posting for an open**
17 **employment position the wage scale or salary range, and a general**
18 **description of benefits, offered for the position.**

19 **“(3) Whenever an employer offers an employee an opportunity for**
20 **an internal transfer to a new position or a promotion, the employer**
21 **shall provide the wage scale or salary range related to the new position**

1 or promotion, upon the in-person request of the employee.

2 “(4) This section applies to employers that employ 25 or more em-
3 ployees.

4 “(5)(a) A violation of subsection (2) of this section is an unlawful
5 practice under ORS chapter 659A. An individual alleging a violation
6 of this section may file a complaint under ORS 659A.820 with the
7 Commissioner of the Bureau of Labor and Industries. The commis-
8 sioner shall enforce the provisions of this section in the manner pro-
9 vided in ORS chapter 659A regarding other unlawful practices.

10 “(b) For a first violation, the commissioner shall issue a letter of
11 explanation or education to the employer in accordance with ORS
12 659A.830.

13 “(c) In addition to any other relief provided by law, the commis-
14 sioner may assess a civil penalty against an employer or third party
15 that violates this section as follows:

16 “(A) \$250 for the second violation.

17 “(B) \$500 for a third and subsequent violation, except that the
18 maximum civil penalty amount may not exceed \$2,500 for any related
19 series of violations occurring within one year of the first violation.

20 “(d) For purposes of assessing a violation under this subsection, a
21 separate violation occurs:

22 “(A) After the commissioner has provided initial notice to the em-
23 ployer of the noncompliance; and

24 “(B) With respect to each job posting that fails to comply with the
25 requirements under subsection (2) of this section.

26 “(e) Any monetary civil penalty assessed under this subsection shall
27 be imposed in the manner provided by ORS 183.745.

28 “(f) The commissioner shall deposit a civil penalty assessed under
29 this subsection in the Wage Security Fund under ORS 652.409.

30 **SECTION 2.** ORS 659A.830 is amended to read:

1 “659A.830. (1) Except as provided in subsection (5) of this section, all au-
2 thority of the Commissioner of the Bureau of Labor and Industries to con-
3 duct investigations or other proceedings to resolve a complaint filed under
4 ORS 659A.820 ceases upon the filing of a civil action by the complainant
5 alleging the same matters that are the basis of the complaint under ORS
6 659A.820.

7 “(2)(a) Except as provided in [*paragraph (b)*] **paragraphs (b) and (c)** of
8 this subsection, the commissioner may dismiss a complaint at any time after
9 the complaint is filed. Upon the written request of the person who filed the
10 complaint under ORS 659A.820, the commissioner shall dismiss the com-
11 plaint. Upon dismissal of the complaint, the commissioner shall issue a
12 90-day notice if notice is required under ORS 659A.880.

13 “(b) Paragraph (a) of this subsection does not apply to a complaint al-
14 leging an unlawful practice under ORS 659A.145 or 659A.421 or discrimi-
15 nation under federal housing law. The commissioner shall dismiss a
16 complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or
17 discrimination under federal housing law if the commissioner finds no sub-
18 stantial evidence that an unlawful practice or discriminatory housing prac-
19 tice has occurred or is about to occur.

20 “(c) **Upon receipt of a complaint against an employer alleging a vi-**
21 **olation of section 1 (2) of this 2023 Act, the commissioner shall review**
22 **the past complaint history of the employer or employment agency to**
23 **determine whether the employer or employment agency has any prior**
24 **violations of section 1 (2) of this 2023 Act. If the commissioner deter-**
25 **mines that the employer or employment agency does not have any**
26 **prior violations, the commissioner shall dismiss the complaint. Upon**
27 **dismissal of the complaint, the commissioner shall issue a letter of**
28 **explanation or education to the employer.**

29 “(3) Except as provided in this section, all authority of the commissioner
30 to conduct investigations or other proceedings to resolve a complaint filed

1 under ORS 659A.820 ceases one year after the complaint is filed unless the
2 commissioner has issued a finding of substantial evidence under ORS
3 659A.835 during the one-year period. Unless it is impracticable to do so, the
4 commissioner shall make a final administrative disposition of a complaint
5 alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimi-
6 nation under federal housing law no later than one year after receipt of the
7 complaint.

8 “(4) The authority of the commissioner to conduct investigations or other
9 proceedings to resolve a complaint filed under ORS 659A.820 alleging an
10 unlawful practice under ORS 659A.403 or 659A.406 continues until the filing
11 of a civil action by the complainant or until the commissioner dismisses the
12 proceedings, enters into a settlement agreement or enters a final order in the
13 matter after a hearing under ORS 659A.850.

14 “(5) The authority of the commissioner to conduct investigations or other
15 proceedings to resolve a complaint filed under ORS 659A.820 alleging an
16 unlawful practice under ORS 659A.145 or 659A.421 or discrimination under
17 federal housing law does not cease upon the filing of a civil action by the
18 complainant, but ceases upon the commencement of a trial in the civil
19 action.

20 “(6) The authority of the commissioner to conduct investigations or other
21 proceedings to resolve a complaint filed under ORS 659A.820 alleging a vio-
22 lation of ORS 659A.145 or 659A.421 or 659A.406 does not cease under sub-
23 section (3) of this section if the issuance of a finding of substantial evidence
24 under ORS 659A.835 within the time allowed under subsection (3) of this
25 section is not practicable. The commissioner shall notify the parties in
26 writing of the reasons that the issuance of substantial evidence cannot be
27 made within the time allowed.

28 “(7) Nothing in this section affects the ability of the commissioner to
29 enforce any order entered by the commissioner or to enforce any settlement
30 agreement signed by a representative of the commissioner.

1 **“SECTION 3. (1) Section 1 of this 2023 Act and the amendments to**
2 **ORS 659A.380 by section 2 of this 2023 Act become operative on January**
3 **2, 2024.**

4 **“(2) The Commissioner of the Bureau of Labor and Industries may**
5 **adopt rules and take any other action before the operative date speci-**
6 **fied in subsection (1) of this section that is necessary to enable the**
7 **commissioner, on and after the operative date specified in subsection**
8 **(1) of this section, to undertake and exercise all of the duties, func-**
9 **tions and powers conferred on the commissioner under section 1 of**
10 **this 2023 Act and the amendments to ORS 659A.380 by section 2 of this**
11 **2023 Act.**

12 **“SECTION 4. 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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