

HB 2957 -2 STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

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Meeting Dates: 2/10, 3/24

WHAT THE MEASURE DOES:

The measure makes it an unlawful employment practice for employers to enter into agreements that shorten the statute of limitations with respect to violations that the Bureau of Labor and Industries (BOLI) has enforcement authority for. Establishes time limits for when the BOLI Commissioner must issue a notice of rights to complainants. Establishes time limits for filing a civil action after issuance of the notice. Declares an emergency, effective on passage.

Detailed Summary:

Prohibits an employer from entering into an agreement with a former, current or prospective employee that has the effect of shortening a statute of limitations regarding a violation over which BOLI has enforcement authority. Violation of the prohibition is an unlawful employment practice.

Requires BOLI to issue a notice of rights to complainant who file a complaint alleging an unlawful practice that they may file a civil action, if the commissioner dismisses complaint for one of the following reasons: within one year after filing for a reason other than the filing of a civil action, one-year anniversary of the filing of the complaint, or execution of a settlement agreement.

When a notice of rights is issued by BOLI, a civil action must be filed within 90 days after the date of the mailing of the notice, if 90 days or less remain on the applicable statute of limitations for filing a civil action or if more than 90 days remain on the applicable statute of limitations for filing a civil action, after the date of the mailing of the notice, a civil action must be commenced before the limitation period expires.

Fiscal impact: (-2 amendment): Minimal fiscal impact

Revenue impact: (-2 amendment): No revenue impact

ISSUES DISCUSSED:

- Expansion of statute of limitations for discrimination-related complaints from one to five years
- Civil rights complaint process at Bureau of Labor and Industries (BOLI)
- Complaints dismissed by BOLI receive a 90-day notice of right to file in court
- Challenges complainants experience pursuing civil rights complaints in court within 90 days of dismissals
- Complaints truncating their 5- year statute of limitation by filing with BOLI first

EFFECT OF AMENDMENT:

-2 Clarifies that BOLI does not issue notices for matters resolved by settlement agreement. Applies to complaints and actions that are filed on or after the effective date of this 2025 Act or filed before the effective date of this 2025 Act and for which BOLI has issued no notice.

BACKGROUND:

Currently, under ORS 659A.880 the Commissioner of the Bureau of Labor and Industries (BOLI) must issue a 90-day notice to the complainant if the Commissioner dismisses the complaint for one of the following reasons: it is within one year after the filing of the complaint, and the dismissal is for any reason other than filing of a civil action; it is on or before the one-year anniversary of the filing of the complaint; or the issue has been resolved by the execution of a settlement agreement.

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The 90-day notice issued by BOLI must be in writing and must notify the complainant that a civil action against the respondent may be filed within 90 days after the date of mailing of the 90-day notice and that the right to bring a civil action will be lost if the civil action is not commenced within 90 days after the date of the mailing.

House Bill 2957 establishes time limits for a complainant to file a civil action when the Commissioner dismisses a complaint. When the Commissioner issues a notice dismissing a complaint, a complainant must file a civil action within 90 days after the date of the mailing of the notice, if 90 days or less remain on the applicable statute of limitations for filing a civil action and if more than 90 days remain on the applicable statute of limitations for filing a civil action, a complainant must file civil action before the limitation period expires.

PRELIMINARY