

HB 3187 A STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 4/29, 5/1

WHAT THE MEASURE DOES:

The measure makes it an unlawful employment practice for employer, prospective employer, or employment agency, prior to completing initial interview or making conditional offer of employment, to request or require disclosure of applicant's age or date of birth or when applicant attended or graduated from any educational institution. The measure permits the information to be requested if it is necessary to affirm that applicant meets bona fide occupational qualifications or to comply with any provision of federal, state or local law, rule or regulation. It repeals a provision permitting an apprenticeship program to not select an apprentice who is unable to complete required apprenticeship training before age of 70. Takes effect on the 91st day following adjournment sine die.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Professions that have required age restrictions
- Relationship to federal regulations
- Impetus for the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Age discrimination is prohibited under both federal and state laws, ensuring that individuals are not treated unfairly due to their age in employment settings.

The federal Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from age-based discrimination in workplaces with 20 or more employees. Under ADEA, it is unlawful to discriminate against any individual age 40 or older because of their age with respect to any term, condition, or privilege of employment, including but not limited to, recruitment, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. Oregon law prohibits age discrimination in employment under the Oregon Employment Discrimination Law (ORS chapter 659A). It protects individuals who are 18 years of age or older from age-based discrimination in workplaces with at least one employee.

There are some exceptions to age discrimination laws, particularly for businesses that can demonstrate a valid reason for age-based decisions. For example, certain jobs may require age-based restrictions due to safety or other specific requirements.

Currently, a person claiming employment discrimination because of age may file a complaint with the Bureau of Labor and Industries or the Equal Employment Opportunity Commission. A person may also file an action in court.

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PRELIMINARY