

## **HB 2957 A -A4, -A5    STAFF MEASURE SUMMARY**

### **Senate Committee On Labor and Business**

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**Meeting Dates:** 5/6, 5/8, 5/13, 5/15, 5/20

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#### **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 over. 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 to complainants that they may file a civil action when the BOLI Commissioner dismisses a complaint that alleges an unlawful practice if

- the complaint is dismissed within one year after the filing and the dismissal is for any reason other than the fact that a civil action has been filed by the complainant, or
- it is the one-year anniversary of the filing of the complaint.

When such a notice of rights to file a civil action is issued by BOLI, the complainant must file a civil action within these deadlines:

- if 90 days or less remain on the applicable statute of limitations for filing a civil action, a civil action must be filed within 90 days after the date of the mailing of the notice.
- 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.

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.

Declares an emergency, effective on passage.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

#### **ISSUES DISCUSSED:**

- Related prior legislation
- Impact of complaints dismissed by the Bureau of Labor and Industries (BOLI) on the statute of limitations
- Provisions of the measure
- Timing of when the statute of limitation begins
- Impetus for the measure
- Federal requirements versus state requirements
- Length of time for investigation and issuance of notice by BOLI
- Actions that may be taken when BOLI dismisses a complaint and issues a notice that a person may file a civil action

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- Number of cases BOLI dismisses at the one-year anniversary of the filing of the complaint without completing investigations
- BOLI prioritization of complaints and investigations

### EFFECT OF AMENDMENT:

-A4 The amendment requires a civil action to be filed within one year from the date the notice of rights was mailed by the Bureau of Labor and Industries or before expiration of the applicable statute of limitations, whichever is earlier, when the Commissioner has investigated the complaint and determined there is insufficient evidence to support the complaint and one year or less remains on the applicable statute of limitations, or before the limitation period expires under ORS 659A.875.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

-A5 The amendment specifies when a civil action must be filed after a notice of rights is issued by the Bureau of Labor and Industries (BOLI). The amendment specifies that a civil action must be filed within 90 days after the date of issuance, if 90 days or less remain on the applicable statute of limitations, or before the limitations period expires if more than 90 days remain when the Commissioner of BOLI has conducted an investigation and made a finding of substantial evidence of a violation, or has not conducted an investigation. The amendment specifies that a civil action must be filed within one year after issuance of the notice, if more than one year remains of the statute of limitations, or before the limitation period expires, if at least 90 days, but not more than one year remain of the applicable statute of limitations, or within 90 days after issuance of the notice, if less than 90 days remain on the applicable statute of limitations when the Commissioner has conducted an investigation and made a finding of no substantial evidence of a violation.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

### 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.

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 A 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,

- if 90 days or less remain on the applicable statute of limitations for filing a civil action, a complainant must file a civil action within 90 days after the date of the mailing of the notice.
- 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.