

HOUSE AMENDMENTS TO HOUSE BILL 2746

By COMMITTEE ON LABOR AND WORKPLACE STANDARDS

April 3

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

3 Delete pages 2 through 6 and insert:

4 **“SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made a part of ORS**
5 **chapter 652.**

6 **“SECTION 2. It is the purpose of section 3 of this 2025 Act to require employers and**
7 **employment agencies to disclose information relating to wage ranges in hiring and employ-**
8 **ment processes to:**

9 **“(1) Safeguard against implicit and explicit biases that may exist in salary negotiations;**

10 **“(2) Provide reassurance that employees are not discriminated against in payment of**
11 **compensation for a particular employment position;**

12 **“(3) Reduce discriminatory wage-setting and hiring practices;**

13 **“(4) Ensure equitable pay for employees in this state; and**

14 **“(5) Allow job applicants and employees to base employment decisions on complete in-**
15 **formation.**

16 **“SECTION 3. (1) As used in this section:**

17 **“(a) ‘Employee’ means an individual performing services for an employer for**
18 **remuneration or under any contract for hire, written or oral, express or implied.**

19 **“(b)(A) ‘Employer’ means any person employing one or more employees, including the**
20 **State of Oregon or any political subdivision thereof or any county, city, district, authority,**
21 **public corporation or entity and any of their instrumentalities organized and existing under**
22 **law or charter.**

23 **“(B) ‘Employer’ does not include the federal government.**

24 **“(c) ‘Employment agency’ has the meaning given that term in ORS 659A.001, except that**
25 **‘employment agency’ does not include the Employment Department.**

26 **“(d) ‘Employment benefits’ includes, but is not limited to, health benefits, paid time off,**
27 **retirement benefits and any other taxable benefits.**

28 **“(e)(A) ‘Job posting’ means any written solicitation intended to recruit applicants for an**
29 **employment, promotion or transfer opportunity.**

30 **“(B) ‘Job posting’ does not mean solicitations that exclude any reference to a specific**
31 **employment, promotion or transfer opportunity or to specific qualifications for desired ap-**
32 **plicants.**

33 **“(f) ‘Wage range’ means a range from the lowest to the highest salary or hourly wage**
34 **that an employer sets in good faith as compensation for a particular employment position**
35 **by referencing:**

1 “(A) A predetermined compensation schedule;
2 “(B) A predetermined range of wages for the position;
3 “(C) The actual range of wages paid to other employees who hold equivalent positions;
4 or
5 “(D) An allocated budget.
6 “(2) An employer or an employment agency may not:
7 “(a) Fail or refuse to disclose in any internal or external job posting for an employment,
8 promotion or transfer opportunity the wage or wage range, a general description of the em-
9 ployment benefits and any other compensation associated with the employment, promotion
10 or transfer opportunity.
11 “(b) If an employment, promotion or transfer opportunity has not been made available
12 to the applicant applying for the opportunity, fail or refuse to provide to an applicant who
13 is applying for the opportunity the wage or wage range, a general description of the em-
14 ployment benefits and any other compensation associated with the opportunity:
15 “(A) Upon the request of the applicant; and
16 “(B) Prior to extending an offer or engaging in any discussion regarding compensation.
17 “(c) Fail or refuse to provide each employee with the current wage or wage range, a
18 general description of the employment benefits and any other compensation associated with
19 the same or equivalent employment positions held by other employees as follows:
20 “(A) At the time of hire;
21 “(B) Upon the transfer or promotion of the employee; and
22 “(C) Once per calendar year, upon the request of the employee.
23 “(3)(a) An employer shall keep and maintain records for each employee of the employer
24 that include information sufficient for an employer to comply with the disclosure require-
25 ments of this section, including but not limited to:
26 “(A) The wage or wage range, a general description of the employment benefits and any
27 other compensation associated with each employment, promotion and transfer opportunity
28 made available by the employer.
29 “(B) The wage rate history.
30 “(b) An employer shall retain a record described in paragraph (a) of this subsection
31 throughout the duration of the employee’s employment with the employer and for at least
32 two years following the date on which the employee ceases to be employed by the employer.
33 “(4) This section applies to positions that will be performed or are able to be performed
34 in whole or in part in this state.
35 “(5) In determining whether a wage range was set by an employer in good faith, a trier
36 of fact in administrative action brought under this section may consider, in addition to any
37 other relevant factors, the breadth of the wage range.
38 “(6) An individual who alleges a violation of this section must file a complaint with the
39 Commissioner of the Bureau of Labor and Industries within one year of the occurrence of
40 the conduct that gave rise to the complaint.
41 “(7)(a) In addition to any other relief provided by law, the commissioner may assess a
42 civil penalty against an employer or employment agency that violates subsection (2) or (3)
43 of this section as follows:
44 “(A) \$1,000 for a first violation. In lieu of imposing a civil penalty for a first violation, the
45 commissioner may issue a letter of explanation or education to the employer or employment

1 agency.

2 “(B) \$1,000 for a second violation.

3 “(C) \$1,000 for a third and subsequent violation, except that the maximum civil penalty
4 amount may not exceed \$10,000 for any related series of violations occurring within one year
5 of the first violation.

6 “(b) For purposes of assessing a violation under this subsection, a separate violation oc-
7 curs:

8 “(A) After the employer or employment agency has been found to have violated this
9 section or section 5 of this 2025 Act; and

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

12 “(c) Any monetary civil penalty assessed under this subsection shall be imposed in the
13 manner provided by ORS 183.745.

14 “(d) All sums collected as civil penalties under this section must first be applied toward
15 reimbursement of the costs incurred in determining the violations, conducting hearings and
16 assessing and collecting the penalty. The remainder, if any, of the sums collected as penalties
17 under this section must be paid into the State Treasury and credited to the General Fund
18 and are available for general governmental purposes.

19 “(8) The commissioner shall conduct proactive outreach and ongoing training to educate
20 employers and employment agencies about the requirements of this section and section 5 of
21 this 2025 Act.

22 “SECTION 4. Section 5 of this 2025 Act and ORS 659A.357 and 659A.360 are added to and
23 made a part of ORS chapter 659A.

24 “SECTION 5. (1) It is an unlawful employment practice for an employer or an employ-
25 ment agency to retaliate or in any way discriminate against an individual with respect to hire
26 or tenure or any other term or condition of employment because the individual has invoked
27 section 3 of this 2025 Act, exercised a right protected under section 3 of this 2025 Act or at-
28 tempted to do so.

29 “(2) A person asserting a violation of subsection (1) of this section may file a complaint
30 with the Commissioner of the Bureau of Labor and Industries under ORS 659A.820.

31 “(3) As used in this section, ‘employment agency’ has the meaning given that term in
32 ORS 659A.001, except that ‘employment agency’ does not include the Employment Depart-
33 ment.

34 “SECTION 6. ORS 659A.357 is amended to read:

35 “659A.357. (1) It is an unlawful practice under ORS chapter 659A for an employer [or], pro-
36 spective employer **or employment agency** to seek the salary history of an applicant or employee
37 from the applicant or employee or a current or former employer of the applicant or employee. This
38 section is not intended to prevent an employer **or employment agency** from requesting from a
39 prospective employee written authorization to confirm prior compensation after the employer **or**
40 **employment agency** makes an offer of employment to the prospective employee that includes an
41 amount of compensation.

42 “(2) As used in this section, ‘employment agency’ has the meaning given that term in
43 ORS 659A.001.

44 “SECTION 7. ORS 659A.360 is amended to read:

45 “659A.360. (1) It is an unlawful practice for an employer **or employment agency** to exclude an

1 applicant from an initial interview solely because of a past criminal conviction.

2 “(2) An employer **or employment agency** excludes an applicant from an initial interview if the
3 employer **or employment agency**:

4 “(a) Requires an applicant to disclose on an employment application a criminal conviction;

5 “(b) Requires an applicant to disclose, prior to an initial interview, a criminal conviction; or

6 “(c) If no interview is conducted, requires an applicant to disclose, prior to making a conditional
7 offer of employment, a criminal conviction.

8 “(3) Subject to subsections (1) and (2) of this section, nothing in this section prevents an em-
9 ployer **or employment agency** from considering an applicant’s conviction history when making a
10 hiring decision.

11 “(4) Subsections (1) and (2) of this section do not apply:

12 “(a) If federal, state or local law, including corresponding rules and regulations, requires the
13 consideration of an applicant’s criminal history;

14 “(b) To an employer that is a law enforcement agency;

15 “(c) To an employer in the criminal justice system; [or]

16 “(d) To an employer seeking a nonemployee volunteer[.]; **or**

17 “(e) **To an employment agency that undertakes to procure employees for an employer**
18 **described in paragraph (b), (c) or (d) of this subsection.**

19 “(5) **As used in this section, ‘employment agency’ has the meaning given that term in**
20 **ORS 659A.001.**

21 “**SECTION 8. (1) Sections 3 and 5 of this 2025 Act and the amendments to ORS 659A.357**
22 **and 659A.360 by sections 6 and 7 of this 2025 Act become operative on January 1, 2026.**

23 “(2) **The Commissioner of the Bureau of Labor and Industries may adopt rules and take**
24 **any other action before the operative date specified in subsection (1) of this section that is**
25 **necessary to enable the commissioner, on and after the operative date specified in subsection**
26 **(1) of this section, to undertake and exercise all of the duties, functions and powers con-**
27 **ferred on the commissioner under sections 3 and 5 of this 2025 Act.**

28 “**SECTION 9. Section 3 of this 2025 Act does not require an employer to keep and main-**
29 **tain records that were created before the operative date specified in section 8 of this 2025**
30 **Act and that are no longer available on the operative date specified in section 8 of this 2025**
31 **Act.**

32 “**SECTION 10. This 2025 Act takes effect on the 91st day after the date on which the 2025**
33 **regular session of the Eighty-third Legislative Assembly adjourns sine die.”.**