

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2944

By COMMITTEE ON LABOR AND BUSINESS

May 16

1 On page 2 of the printed A-engrossed bill, delete lines 24 through 32 and insert:

2 “(c)(A) Notwithstanding paragraph (a) of this subsection, but subject to subparagraph (C) of this
3 paragraph, if the board finds that the public employer named in the complaint has violated ORS
4 243.804 (4) or 243.806 (7) and that the employer has previously violated either provision, the board
5 shall impose a civil penalty of not less than \$1,000 nor more than \$5,000. For any subsequent vio-
6 lation, the board shall impose a civil penalty of not less than \$5,000 nor more than \$10,000.

7 “(B) In determining the amount of the civil penalty to impose under this paragraph, the board
8 shall consider extenuating circumstances that the employer has proven contributed to or caused the
9 violation. An extenuating circumstance is not an affirmative defense to a violation described in
10 subparagraph (A) of this paragraph.

11 “(C) A finding of a violation under subparagraph (A) of this paragraph is not subject to a civil
12 penalty under subparagraph (A) of this paragraph if the employer establishes that the violation re-
13 sulted directly from:

14 “(i) A natural disaster, as defined in ORS 197.488;

15 “(ii) A computer crime, as defined in ORS 164.377; or

16 “(iii) Destruction by fire, flood, or other catastrophic event at the employer’s place of business
17 that significantly disrupted the public employer’s operations relating to the violation.”.

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