

Enrolled
House Bill 2957

Sponsored by Representatives NELSON, ANDERSEN; Representatives CHOTZEN, FRAGALA,
GAMBA, MUNOZ, SOSA, Senators FREDERICK, MANNING JR (Presession filed.)

CHAPTER

AN ACT

Relating to time limitations associated with violations over which the Bureau of Labor and Industries has enforcement authority; creating new provisions; amending ORS 659A.830, 659A.870, 659A.875 and 659A.880; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

CONTRACTUAL SHORTENING OF STATUTE OF LIMITATIONS

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 659A.

SECTION 2. It is an unlawful employment practice for an employer to enter into an agreement with a former, current or prospective employee that has the effect of shortening a statute of limitations with respect to a violation over which the Bureau of Labor and Industries has enforcement authority.

NOTICE OF RIGHTS

SECTION 3. ORS 659A.880 is amended to read:

659A.880. [(1) If a complaint filed under ORS 659A.820 alleges unlawful practices other than those unlawful practices described in ORS 659A.403 and 659A.406, the Commissioner of the Bureau of Labor and Industries shall issue a 90-day notice to the complainant if the commissioner dismisses the complaint within one year after the filing of the complaint, and the dismissal is for any reason other than the fact that a civil action has been filed by the complainant.]

[(2) If the complaint filed under ORS 659A.820 alleges unlawful practices other than those unlawful practices described in ORS 659A.145, 659A.403, 659A.406 and 659A.421, the commissioner shall issue a 90-day notice to the complainant on or before the one-year anniversary of the filing of the complaint unless a 90-day notice has previously been issued under subsection (1) of this section or the matter has been resolved by the execution of a settlement agreement.]

(1) If a complaint is filed under ORS 659A.820 alleging an unlawful practice, the Commissioner of the Bureau of Labor and Industries shall issue a notice to the complainant upon the occurrence of either of the following unless the matter has been resolved by the execution of a settlement agreement:

(a) The commissioner dismisses the complaint within one year after the filing of the complaint, and the dismissal is for any reason other than the fact that a civil action has been filed by the complainant.

(b) The one-year anniversary of the filing of the complaint.

[3)] (2) A [90-day] notice under this section must be in writing and must notify the complainant that a civil action against the respondent under ORS 659A.885 may be filed within [90 days after the date of mailing of the 90-day notice,] **the applicable time period established under subsection (3) of this section** and that any right to bring a civil action against the respondent under ORS 659A.885 will be lost if the action is not commenced within [90 days after the date of the mailing of the 90-day notice] **the established time period.**

(3) When a notice is issued to a complainant under this section, a civil action under ORS 659A.885 must be filed as follows:

(a) If the commissioner has conducted an investigation and made a finding of substantial evidence of a violation, or has not conducted an investigation:

(A) Within 90 days after the date of issuance, if 90 days or less remain on the applicable statute of limitations under ORS 659A.875 at the time of issuance; or

(B) Before the limitations period expires, if more than 90 days remain on the applicable statute of limitations under ORS 659A.875 at the time of issuance.

(b) If the commissioner has conducted an investigation and made a finding of no substantial evidence of a violation:

(A) Within one year after the date of issuance, if more than one year remains on the applicable statute of limitations under ORS 659A.875 at the time of issuance;

(B) Before the limitation period expires, if at least 90 days but not more than one year remain on the applicable statute of limitations under ORS 659A.875 at the time issuance; or

(C) Within 90 days after the date of issuance, if less than 90 days remain on the applicable statute of limitations under ORS 659A.875 at the time of issuance.

(4) This section does not apply to a complainant alleging an unlawful practice under ORS 659A.145, **659A.403, 659A.406** or 659A.421 or discrimination under federal housing law.

CONFORMING AMENDMENTS

SECTION 4. ORS 659A.830 is amended to read:

659A.830. (1) Except as provided in subsection (5) of this section, all authority of the Commissioner of the Bureau of Labor and Industries to conduct investigations or other proceedings to resolve a complaint filed under ORS 659A.820 ceases upon the filing of a civil action by the complainant alleging the same matters that are the basis of the complaint under ORS 659A.820.

(2)(a) Except as provided in paragraph (b) of this subsection, the commissioner may dismiss a complaint at any time after the complaint is filed. Upon the written request of the person who filed the complaint under ORS 659A.820, the commissioner shall dismiss the complaint. Upon dismissal of the complaint, the commissioner shall issue a [90-day] notice **to the complainant** if notice is required under ORS 659A.880.

(b) Paragraph (a) of this subsection does not apply to a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law. The commissioner shall dismiss a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law if the commissioner finds no substantial evidence that an unlawful practice or discriminatory housing practice has occurred or is about to occur.

(3) Except as provided in this section, all authority of the commissioner to conduct investigations or other proceedings to resolve a complaint filed under ORS 659A.820 ceases one year after the complaint is filed unless the commissioner has issued a finding of substantial evidence under ORS 659A.835 during the one-year period. Unless it is impracticable to do so, the commissioner shall make a final administrative disposition of a complaint alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law no later than one year after receipt of the complaint.

(4) The authority of the commissioner to conduct investigations or other proceedings to resolve a complaint filed under ORS 659A.820 alleging an unlawful practice under ORS 659A.403 or 659A.406

continues until the filing of a civil action by the complainant or until the commissioner dismisses the proceedings, enters into a settlement agreement or enters a final order in the matter after a hearing under ORS 659A.850.

(5) The authority of the commissioner to conduct investigations or other proceedings to resolve a complaint filed under ORS 659A.820 alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law does not cease upon the filing of a civil action by the complainant, but ceases upon the commencement of a trial in the civil action.

(6) The authority of the commissioner to conduct investigations or other proceedings to resolve a complaint filed under ORS 659A.820 alleging a violation of ORS 659A.145 or 659A.421 or 659A.406 does not cease under subsection (3) of this section if the issuance of a finding of substantial evidence under ORS 659A.835 within the time allowed under subsection (3) of this section is not practicable. The commissioner shall notify the parties in writing of the reasons that the issuance of substantial evidence cannot be made within the time allowed.

(7) Nothing in this section affects the ability of the commissioner to enforce any order entered by the commissioner or to enforce any settlement agreement signed by a representative of the commissioner.

SECTION 5. ORS 659A.870 is amended to read:

659A.870. (1) Except as provided in this section, the filing of a civil action by a person in circuit court pursuant to ORS 659A.885, or in federal district court under applicable federal law, waives the right of the person to file a complaint with the Commissioner of the Bureau of Labor and Industries under ORS 659A.820 with respect to the matters alleged in the civil action.

(2) The filing of a complaint under ORS 659A.820 is not a condition precedent to the filing of any civil action.

(3) If a person files a civil action alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law, the filing does not constitute an election of remedies or a waiver of the right of the person to file a complaint with the commissioner under ORS 659A.820, but the commissioner shall dismiss the complaint upon the commencement of a trial in the civil action.

(4) If a person files a complaint under ORS 659A.820 alleging a violation of ORS 652.220 and the commissioner issues a final order in favor of the complainant, the commissioner shall require the employer to pay an award of back pay for the lesser of:

(a) The two-year period immediately preceding the filing of the complaint plus the period of time commencing with the date on which the complaint is filed and ending on the date on which the commissioner issued the order; or

(b) The period of time the complainant was subject to an unlawful wage differential by the employer plus the period of time commencing with the date on which the complaint is filed and ending on the date on which the commissioner issued the order.

(5)(a) The filing of a complaint under ORS 659A.820 by a person alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law does not constitute an election of remedies or a waiver of the right of the person to file a civil action with respect to the same matters, but a civil action may not be filed after a hearing officer has commenced a hearing on the record under this chapter with respect to the allegations of the complaint.

(b) A respondent or complainant named in a complaint filed under ORS 659A.820 or 659A.825 alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law may elect to have the matter heard in circuit court under ORS 659A.885. The election must be made in writing and received by the commissioner within 20 days after service of formal charges under ORS 659A.845. If the respondent or the complainant makes the election, the commissioner shall pursue the matter in court on behalf of the complainant at no cost to the complainant.

(c) If the Attorney General or the commissioner files a complaint under ORS 659A.825, the Attorney General or the commissioner may elect to have the matter heard in circuit court under ORS 659A.885.

(d) If the respondent, the complainant, the Attorney General or the commissioner do not elect to have the matter heard in circuit court, the commissioner may conduct a hearing on the formal charges under ORS 659A.850.

(6) A person who has filed a complaint under ORS 659A.820 need not receive a [90-day] notice under ORS 659A.880 before commencing a civil action that is based on the same matters alleged in the complaint filed with the commissioner.

(7) Except as provided in subsections (3) and (5) of this section, this section does not limit or alter in any way the authority or power of the commissioner, or limit or alter in any way any of the rights of an individual complainant, until and unless the complainant commences a civil action.

SECTION 6. ORS 659A.875 is amended to read:

659A.875. (1) Except as provided in subsection (2) of this section:

(a) A civil action under ORS 659A.885 alleging an unlawful employment practice other than a violation of ORS 243.323, 659A.030, 659A.082, 659A.112 or 659A.370 must be commenced within one year after the occurrence of the unlawful employment practice unless a complaint has been timely filed under ORS 659A.820.

(b) A civil action under ORS 659A.885 alleging a violation of ORS 243.323, 659A.030, 659A.082, 659A.112 or 659A.370 must be commenced not later than five years after the occurrence of the alleged violation.

(2) A person who has filed a complaint under ORS 659A.820 must commence a civil action under ORS 659A.885 within [90 days] **the applicable time period** after a [90-day] notice is mailed to the complainant under ORS 659A.880. This subsection does not apply to a complainant alleging an unlawful practice under ORS 659A.145 or 659A.421 or discrimination under federal housing law.

(3) A civil action alleging a violation of ORS 659A.145 or 659A.421 must be commenced not later than two years after the occurrence or the termination of the unlawful practice, or within two years after the breach of any settlement agreement entered into under ORS 659A.840, whichever occurs last. The two-year period shall not include any time during which an administrative proceeding was pending with respect to the unlawful practice.

(4) A civil action under ORS 659A.885 alleging an unlawful practice in violation of ORS 659A.403 or 659A.406 must be commenced within one year of the occurrence of the unlawful practice.

(5) The notice of claim required under ORS 30.275 must be given in any civil action under ORS 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or agent of a public body as defined in ORS 30.260.

(6) Notwithstanding ORS 30.275 (9):

(a) A civil action under ORS 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or agent of a public body as defined in ORS 30.260, based on an unlawful employment practice other than a violation of ORS 243.323, 659A.030, 659A.082, 659A.112 or 659A.370 must be commenced within one year after the occurrence of the unlawful employment practice unless a complaint has been timely filed under ORS 659A.820.

(b) A civil action under ORS 659A.885 alleging a violation of ORS 659A.030, 659A.082, 659A.112 or 659A.370 must be commenced not later than five years after the occurrence of the alleged violation unless a complaint has been timely filed under ORS 659A.820.

(c) A civil action under ORS 659A.885 against a public body, as defined in ORS 30.260, or any officer, employee or agent of a public body as defined in ORS 30.260, alleging a violation of ORS 243.323, 659A.030, 659A.082 or 659A.112 must be commenced not later than five years after the occurrence of the alleged violation unless a complaint has been timely filed under ORS 659A.820.

(7) For the purpose of time limitations, a compensation practice that is unlawful under ORS 652.220 occurs each time compensation is paid under a discriminatory compensation decision or other practice.

(8) Notwithstanding ORS 30.275 (2)(b), notice of claim against a public body under ORS 652.220 or 659A.355 must be given within 300 days of discovery of the alleged loss or injury.

APPLICABILITY DATES

SECTION 7. (1) Section 2 of this 2025 Act applies to agreements entered into on or after the effective date of this 2025 Act.

(2) The amendments to ORS 659A.830, 659A.870, 659A.875 and 659A.880 by sections 3 to 6 of this 2025 Act apply to complaints and actions:

(a) Filed on or after the effective date of this 2025 Act.

(b) Filed before the effective date of this 2025 Act and for which no notice was issued by the Bureau of Labor and Industries under ORS 659A.880.

CAPTIONS

SECTION 8. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

EFFECTIVE DATE

SECTION 9. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by House April 2, 2025

Received by Governor:

Repassed by House June 16, 2025

.....M.,....., 2025

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2025

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Julie Fahey, Speaker of House

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Tina Kotek, Governor

Passed by Senate June 11, 2025

Filed in Office of Secretary of State:

.....M.,....., 2025

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Rob Wagner, President of Senate

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Tobias Read, Secretary of State