

## HOUSE MINORITY REPORT AMENDMENTS TO A-ENGROSSED SENATE BILL 916

By Nonconcurring Members of COMMITTEE ON LABOR AND WORKPLACE  
STANDARDS

May 29

On page 1 of the printed A-engrossed bill, delete lines 6 through 19 and delete pages 2 through 11 and insert:

**“SECTION 1.** ORS 657.200 is amended to read:

**“657.200. (1) [An individual is disqualified for benefits] Notwithstanding the provisions of this chapter relating to availability for work, actively seeking work or refusal to accept suitable work, an individual who is otherwise eligible for benefits is not disqualified for benefits or waiting week credit** for any week with respect to which the Director of the Employment Department finds that the unemployment of the individual is due to a [*labor dispute*] **lockout** that is in active progress at the factory, establishment or other premises at which the individual is or was last employed or at which the individual claims employment rights by union agreement or otherwise.

**“(2)(a) An individual is disqualified for benefits for the first two weeks with respect to which the Director of the Employment Department finds that the unemployment of the individual is due to a strike that is in active progress at the factory, establishment or other premises at which the individual is or was last employed or at which the individual claims employment rights by union agreement or otherwise.**

**“(b) Notwithstanding the provisions of this chapter relating to availability for work, actively seeking work or refusal to accept suitable work, after the first two weeks, an individual described in paragraph (a) of this subsection who is otherwise eligible for benefits is not disqualified for benefits or waiting week credit for any of the subsequent six weeks of unemployment due to the strike.**

*“(2) When an employer operates two or more premises in the conduct of business they shall be considered one premises for the purposes of this chapter if the labor dispute at one makes it impossible or impractical to conduct work at the others or in a normal manner.]*

*“(3) This section does not apply if it is shown to the satisfaction of the director that the individual:]*

*“(a) Is unemployed due to a lockout, as defined in ORS 662.205, at the factory, establishment or other premises at which the individual was last employed; or]*

*“(b)(A) Is not participating in or financing or directly interested in the labor dispute that caused the unemployment of the individual; and]*

*“(B) Does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute.]*

*“(4) An individual who meets all other applicable benefit eligibility requirements of this chapter is not disqualified from receipt of benefits by this section if:]*

1       “(a) The individual was laid off from the employer prior to commencement of the labor dispute,  
2 did not work for the employer more than seven days during the 21 calendar days immediately prior to  
3 the commencement of the labor dispute and meets the requirements of subsection (3)(b)(A) of this sec-  
4 tion; or]

5       “(b) During the labor dispute, the individual’s job or position is filled by the employer hiring a  
6 permanent replacement and the following conditions are met:]

7       “(A) The individual subsequently unilaterally abandons the labor dispute and affirmatively seeks  
8 reemployment with the employer; and]

9       “(B) The individual meets the requirements of subsection (3)(b)(A) of this section.]

10       “(5) An individual who maintains membership in a labor union or who continues to pay labor  
11 union dues does not violate the provisions of subsection (3)(b)(A) of this section, for the purpose of  
12 subsection (4) of this section.]

13       “**SECTION 2.** ORS 657.200, as amended by section 1 of this 2025 Act, is amended to read:

14       “657.200. [(1) Notwithstanding the provisions of this chapter relating to availability for work, ac-  
15 tively seeking work or refusal to accept suitable work, an individual who is otherwise eligible for  
16 benefits is not disqualified for benefits or waiting week credit for any week with respect to which the  
17 Director of the Employment Department finds that the unemployment of the individual is due to a  
18 lockout that is in active progress at the factory, establishment or other premises at which the individual  
19 is or was last employed or at which the individual claims employment rights by union agreement or  
20 otherwise.]

21       “[(2)(a) An individual is disqualified for benefits for the first two weeks with respect to which the  
22 Director of the Employment Department finds that the unemployment of the individual is due to a strike  
23 that is in active progress at the factory, establishment or other premises at which the individual is or  
24 was last employed or at which the individual claims employment rights by union agreement or other-  
25 wise.]

26       “[(b) Notwithstanding the provisions of this chapter relating to availability for work, actively  
27 seeking work or refusal to accept suitable work, after the first two weeks, an individual described in  
28 paragraph (a) of this subsection who is otherwise eligible for benefits is not disqualified for benefits  
29 or waiting week credit for any of the subsequent six weeks of unemployment due to the strike.]

30       “(1) **An individual is disqualified for benefits for any week with respect to which the Di-**  
31 **rector of the Employment Department finds that the unemployment of the individual is due**  
32 **to a labor dispute that is in active progress at the factory, establishment or other premises**  
33 **at which the individual is or was last employed or at which the individual claims employment**  
34 **rights by union agreement or otherwise.**

35       “(2) **When an employer operates two or more premises in the conduct of business they**  
36 **shall be considered one premises for the purposes of this chapter if the labor dispute at one**  
37 **makes it impossible or impractical to conduct work at the others or in a normal manner.**

38       “(3) **This section does not apply if it is shown to the satisfaction of the director that the**  
39 **individual:**

40       “(a) **Is unemployed due to a lockout, as defined in ORS 662.205, at the factory, establish-**  
41 **ment or other premises at which the individual was last employed; or**

42       “(b)(A) **Is not participating in or financing or directly interested in the labor dispute that**  
43 **caused the unemployment of the individual; and**

44       “(B) **Does not belong to a grade or class of workers of which, immediately before the**  
45 **commencement of the labor dispute, there were members employed at the premises at which**

1 the labor dispute occurs, any of whom are participating in or financing or directly interested  
2 in the dispute.

3 “(4) An individual who meets all other applicable benefit eligibility requirements of this  
4 chapter is not disqualified from receipt of benefits by this section if:

5 “(a) The individual was laid off from the employer prior to commencement of the labor  
6 dispute, did not work for the employer more than seven days during the 21 calendar days  
7 immediately prior to the commencement of the labor dispute and meets the requirements  
8 of subsection (3)(b)(A) of this section; or

9 “(b) During the labor dispute, the individual’s job or position is filled by the employer  
10 hiring a permanent replacement and the following conditions are met:

11 “(A) The individual subsequently unilaterally abandons the labor dispute and  
12 affirmatively seeks reemployment with the employer; and

13 “(B) The individual meets the requirements of subsection (3)(b)(A) of this section.

14 “(5) An individual who maintains membership in a labor union or who continues to pay  
15 labor union dues does not violate the provisions of subsection (3)(b)(A) of this section, for  
16 the purpose of subsection (4) of this section.

17 “**SECTION 3.** The amendments to ORS 657.200 by section 2 of this 2025 Act apply to weeks  
18 beginning on or after January 1, 2036.

19 “**SECTION 4.** ORS 657.010, as amended by section 28, chapter 75, Oregon Laws 2024, is  
20 amended to read:

21 “657.010. As used in this chapter, unless the context requires otherwise:

22 “(1) ‘Base year’ means the first four of the last five completed calendar quarters preceding the  
23 benefit year.

24 “(2) ‘Benefits’ means the money allowances payable to unemployed persons under this chapter.

25 “(3) ‘Benefit year’ means a period of 52 consecutive weeks commencing with the first week with  
26 respect to which an individual files an initial valid claim for benefits, and thereafter the 52 consec-  
27 utive weeks period beginning with the first week with respect to which the individual next files an  
28 initial valid claim after the termination of the individual’s last preceding benefit year except that  
29 the benefit year shall be 53 weeks if the filing of an initial valid claim would result in overlapping  
30 any quarter of the base year of a previously filed initial valid claim.

31 “(4) ‘Calendar quarter’ means the period of three consecutive calendar months ending on March  
32 31, June 30, September 30 or December 31, or the approximate equivalent thereof, as the Director  
33 of the Employment Department may, by rule, prescribe.

34 “(5) ‘Contribution’ or ‘contributions’ means [*the taxes that are*] the money payments required by  
35 this chapter, or voluntary payments permitted, to be made to the Unemployment Compensation Trust  
36 Fund.

37 “(6) ‘Educational institution,’ including an institution of higher education, means an institution:

38 “(a) In which participants, trainees or students are offered an organized course of study or  
39 training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities  
40 from, by or under the guidance of an instructor or teacher;

41 “(b) That is accredited, registered, approved, licensed or issued a permit to operate as a school  
42 by the Department of Education or other government agency, or that offers courses for credit that  
43 are transferable to an approved, registered or accredited school;

44 “(c) In which the course or courses of study or training that it offers may be academic, techni-  
45 cal, trade or preparation for gainful employment in a recognized occupation; and

1 “(d) In which the course or courses of study or training are offered on a regular and continuing  
2 basis.

3 “(7) ‘Employment office’ means a free public employment office or branch thereof, operated by  
4 this state or maintained as a part of a state-controlled system of public employment offices.

5 “(8) ‘Hospital’ has the meaning given that term in ORS 442.015.

6 “(9) ‘Institution of higher education’ means an educational institution that:

7 “(a) Admits as regular students only individuals having a certificate of graduation from a high  
8 school, or the recognized equivalent of such a certificate;

9 “(b) Is legally authorized in this state to provide a program of education beyond high school;

10 “(c) Provides an educational program for which it awards a bachelor’s or higher degree, or  
11 provides a program that is acceptable for full credit toward such a degree, a program of post-  
12 graduate or post-doctoral studies, or a program of training to prepare students for gainful employ-  
13 ment in a recognized occupation; and

14 “(d) Is a public or other nonprofit institution.

15 “(10) ‘Instructional capacity’ does not include services performed as an instructional assistant  
16 as defined in ORS 342.120.

17 “(11) ‘Internal Revenue Code’ means the federal Internal Revenue Code, as amended and in ef-  
18 fect on December 31, 2023.

19 “(12) **‘Labor dispute’ means any concerted or deliberate action by two or more individuals**  
20 **or by an employing unit resulting in either a strike or lockout in which wages, hours,**  
21 **working conditions or terms of employment of the individuals are involved.**

22 “(13) **‘Lockout’ means any refusal by an employer to permit employees to work as a re-**  
23 **sult of a dispute with the employees affecting wages, hours or other terms or conditions of**  
24 **their employment.**

25 “[12)] (14) ‘Nonprofit employing unit’ means an organization, or group of organizations, de-  
26 scribed in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under  
27 section 501(a) of the Internal Revenue Code.

28 “[13)] (15) ‘State’ includes, in addition to the states of the United States of America, the District  
29 of Columbia and Puerto Rico. However, for all purposes of this chapter the Virgin Islands shall be  
30 considered a state on and after the day on which the United States Secretary of Labor first approves  
31 the Virgin Islands’ law under section 3304(a) of the Federal Unemployment Tax Act as amended by  
32 Public Law 94-566.

33 “(16) **‘Strike’ means any concerted act of employees in a lawful refusal under applicable**  
34 **state or federal law to perform work or services for an employer.**

35 “[14)] (17) ‘Taxes’ means **contributions** *[the money payments to the Unemployment Compensation*  
36 *Trust Fund required, or voluntary payments permitted, by this chapter].*

37 “[15)] (18) ‘Valid claim’ means any claim for benefits made in accordance with ORS 657.260 if  
38 the individual meets the wages-paid-for-employment requirements of ORS 657.150.

39 “[16)] (19) ‘Week’ means any period of seven consecutive calendar days ending at midnight, as  
40 the director may prescribe by rule.

41 “**SECTION 5.** ORS 657.153 is amended to read:

42 “657.153. (1) **Except as provided in subsection (2) of this section,** the amount of back pay  
43 paid by an employer, or awarded by a judge or arbitrator, to an individual may not be reduced to  
44 reflect the amount of benefits that the individual received *[during]* **for** the period for which the back  
45 pay was paid or awarded.

1       “(2) Subsection (1) of this section does not apply to back pay paid to resolve a strike by  
2       an employer to an employee who received benefits for the period during which the strike was  
3       in active progress.

4       “**SECTION 6.** ORS 657.153, as amended by section 5 of this 2025 Act, is amended to read:

5       “657.153. *[(1) Except as provided in subsection (2) of this section,]* The amount of back pay paid  
6       by an employer, or awarded by a judge or arbitrator, to an individual may not be reduced to reflect  
7       the amount of benefits that the individual received for the period for which the back pay was paid  
8       or awarded.

9       “*[(2) Subsection (1) of this section does not apply to back pay paid to resolve a strike by an em-  
10       ployer to an employee who received benefits for the period during which the strike was in active  
11       progress.]*

12       “**SECTION 7.** The amendments to ORS 657.153 by section 6 of this 2025 Act apply to back  
13       pay paid or awarded on or after January 1, 2036.

14       “**SECTION 8.** ORS 657.310 is amended to read:

15       “657.310. (1)*[(a) If]* **This section applies to an individual who, according to a decision of the**  
16       Director of the Employment Department, *[decides that an individual]* received any benefits *[under*  
17       *this chapter]* to which the individual is not entitled because the individual~~[],~~:

18       “(a) Regardless of the individual’s knowledge or intent, made or caused to be made a false  
19       statement or misrepresentation of a material fact, or failed to disclose a material fact~~[],~~; **or**

20       “(b) **Notwithstanding ORS 657.315, received back pay from an employer to resolve a**  
21       **strike.**

22       “(2)(a) *[the]* **An individual described in subsection (1) of this section** is liable:

23       “(A) To repay the amount of the benefits to the director for the Unemployment Compensation  
24       Trust Fund; or

25       “(B) To have the amount of the benefits deducted from any future benefits otherwise payable to  
26       the individual under this chapter.

27       “(b) For purposes of paragraph (a)(B) of this subsection, the director may deduct all or any part  
28       of the individual’s future weekly benefits.

29       “(c) Except as provided in subsection *[(2)(b)]* **(3)(b)** of this section, **an overpayment of** benefits  
30       described in *[paragraph (a) of this]* subsection **(1) of this section** may be collected for any week or  
31       weeks within five years following the week in which the decision establishing the erroneous pay-  
32       ment became final.

33       “(d) Notice provided to an individual of the individual’s liability for recovery of benefits under  
34       this section must include a description of:

35       “(A) The basis for the director’s decision that benefits have been overpaid; and

36       “(B) The consequences of the overpayment, including the methods of recovery of the overpaid  
37       amount, with interest and penalties, and the possibility of waiver under ORS 657.317.

38       “*[(2)(a)]* **(3)(a)** In addition to the liability described in subsection *[(1)]* **(2)** of this section, an in-  
39       dividual who has been disqualified for benefits under ORS 657.215 is liable for a penalty imposed at  
40       a rate prescribed by the director of at least 15, but not greater than 30, percent of the amount of  
41       benefits the individual received to which the individual was not entitled.

42       “(b) Notwithstanding subsection *[(1)(c)]* **(2)(c)** of this section, overpaid benefits that are subject  
43       to the penalty imposed under this subsection may be collected at any time.

44       “*[(3)]* **(4)** A decision of the director under this section does not authorize the recovery of the  
45       amount of any benefits paid to an individual until the decision is final and the decision specifies **the**

1 **week or weeks for which the benefits were paid and:**

2 “(a)(A) That the individual, by reason of the false statement, misrepresentation or nondisclosure,  
3 is liable to repay the amount to the Unemployment Compensation Trust Fund; **and**

4 “[*(b)*] (B) The nature of the false statement, misrepresentation or nondisclosure; [*and*] **or**

5 **“(b) That the individual, by reason of the receipt of back pay as described in subsection**  
6 **(1)(b) of this section, is liable to repay the amount to the Unemployment Compensation Trust**  
7 **Fund.**

8 “[*(c)*] *The week or weeks for which the benefits were paid.*]

9 “[*(4)(a)*] (5)(a) The director may bring a civil action against an individual to collect any amount  
10 subject to recovery and any penalty due under this section.

11 “(b) Judgment rendered shall bear interest at the rate provided in subsection [*(5)*] (6) of this  
12 section.

13 “[*(5)*] (6) Interest on any amount liable to be repaid under this section shall be paid and col-  
14 lected at the same time repayment of benefits is made by the individual, at the rate of one percent  
15 per month or fraction of a month, beginning on the first day of the month following 60 days after  
16 the finality of the administrative decision establishing the overpayment.

17 “[*(6)(a)*] (7)(a) Deductions from unemployment insurance benefits pursuant to subsection  
18 [*(1)(a)(B)*] (2)(a)(B) of this section shall be applied solely to the amount of the benefits liable to be  
19 repaid under this section.

20 “(b) All other payments shall be applied first to court costs, then to penalties, then to interest,  
21 then to the amount liable to be repaid.

22 “[*(7)(a)*] (8)(a) The following amounts collected under this section shall be paid into the Unem-  
23 ployment Compensation Trust Fund:

24 “(A) Amounts in repayment of benefits; and

25 “(B) The portion of penalties imposed under subsection [*(2)*] (3) of this section that is 15 percent  
26 of the amount of benefits received.

27 “(b) The following amounts collected under this section shall be paid into the Employment De-  
28 partment Special Fraud Control Fund in accordance with the provisions of ORS 657.400:

29 “(A) Interest other than interest described in paragraph (c) of this subsection; and

30 “(B) The portion of penalties imposed under subsection [*(2)*] (3) of this section that remains after  
31 subtraction of the portion of penalties described in paragraph (a)(B) of this subsection.

32 “(c) Interest payable on any portion of benefits that were funded by the federal government shall  
33 be paid to the United States Department of Labor.

34 “[*(8)*] (9) The director shall adopt rules establishing standards and procedures for the repayment  
35 of benefits and payment of penalties and interest under this section.

36 **“SECTION 9.** ORS 657.310, as amended by section 8 of this 2025 Act, is amended to read:

37 **“657.310. (1)** This section applies to an individual who, according to a decision of the Director  
38 of the Employment Department, **regardless of the individual’s knowledge or intent**, received any  
39 benefits to which the individual is not entitled because the individual[.]

40 “[*(a)*] *Regardless of the individual’s knowledge or intent,*] made or caused to be made a false  
41 statement or misrepresentation of a material fact, or failed to disclose a material fact[; or]

42 “[*(b)*] *Notwithstanding ORS 657.315, received back pay from an employer to resolve a strike.*]

43 **“(2)(a)** An individual described in subsection (1) of this section is liable:

44 **“(A)** To repay the amount of the benefits to the director for the Unemployment Compensation  
45 Trust Fund; or

1 “(B) To have the amount of the benefits deducted from any future benefits otherwise payable to  
2 the individual under this chapter.

3 “(b) For purposes of paragraph (a)(B) of this subsection, the director may deduct all or any part  
4 of the individual’s future weekly benefits.

5 “(c) Except as provided in subsection (3)(b) of this section, an overpayment of benefits described  
6 in subsection (1) of this section may be collected for any week or weeks within five years following  
7 the week in which the decision establishing the erroneous payment became final.

8 “(d) Notice provided to an individual of the individual’s liability for recovery of benefits under  
9 this section must include a description of:

10 “(A) The basis for the director’s decision that benefits have been overpaid; and

11 “(B) The consequences of the overpayment, including the methods of recovery of the overpaid  
12 amount, with interest and penalties, and the possibility of waiver under ORS 657.317.

13 “(3)(a) In addition to the liability described in subsection (2) of this section, an individual who  
14 has been disqualified for benefits under ORS 657.215 is liable for a penalty imposed at a rate pre-  
15 scribed by the director of at least 15, but not greater than 30, percent of the amount of benefits the  
16 individual received to which the individual was not entitled.

17 “(b) Notwithstanding subsection (2)(c) of this section, overpaid benefits that are subject to the  
18 penalty imposed under this subsection may be collected at any time.

19 “(4) A decision of the director under this section does not authorize the recovery of the amount  
20 of any benefits paid to an individual until the decision is final and *[the decision]* specifies:

21 “(a) The week or weeks for which the benefits were paid; *[and:]*

22 “*[(a)(A)] (b)* That the individual, by reason of the false statement, misrepresentation or  
23 nondisclosure, is liable to repay the amount to the Unemployment Compensation Trust Fund; and

24 “*[(B)] (c)* The nature of the false statement, misrepresentation or nondisclosure.*[: or]*

25 “*[(b) That the individual, by reason of the receipt of back pay as described in subsection (1)(b) of*  
26 *this section, is liable to repay the amount to the Unemployment Compensation Trust Fund.]*

27 “(5)(a) The director may bring a civil action against an individual to collect any amount subject  
28 to recovery and any penalty due under this section.

29 “(b) Judgment rendered shall bear interest at the rate provided in subsection (6) of this section.

30 “(6) Interest on any amount liable to be repaid under this section shall be paid and collected  
31 at the same time repayment of benefits is made by the individual, at the rate of one percent per  
32 month or fraction of a month, beginning on the first day of the month following 60 days after the  
33 finality of the administrative decision establishing the overpayment.

34 “(7)(a) Deductions from unemployment insurance benefits pursuant to subsection (2)(a)(B) of this  
35 section shall be applied solely to the amount of the benefits liable to be repaid under this section.

36 “(b) All other payments shall be applied first to court costs, then to penalties, then to interest,  
37 then to the amount liable to be repaid.

38 “(8)(a) The following amounts collected under this section shall be paid into the Unemployment  
39 Compensation Trust Fund:

40 “(A) Amounts in repayment of benefits; and

41 “(B) The portion of penalties imposed under subsection (3) of this section that is 15 percent of  
42 the amount of benefits received.

43 “(b) The following amounts collected under this section shall be paid into the Employment De-  
44 partment Special Fraud Control Fund in accordance with the provisions of ORS 657.400:

45 “(A) Interest other than interest described in paragraph (c) of this subsection; and

1 “(B) The portion of penalties imposed under subsection (3) of this section that remains after  
2 subtraction of the portion of penalties described in paragraph (a)(B) of this subsection.

3 “(c) Interest payable on any portion of benefits that were funded by the federal government shall  
4 be paid to the United States Department of Labor.

5 “(9) The director shall adopt rules establishing standards and procedures for the repayment of  
6 benefits and payment of penalties and interest under this section.

7 **“SECTION 10. The amendments to ORS 657.310 by section 9 of this 2025 Act apply to de-**  
8 **isions of the Director of the Employment Department made on or after January 1, 2036.**

9 **“SECTION 11.** ORS 657.317 is amended to read:

10 “657.317. (1) The Director of the Employment Department shall waive recovery of overpaid  
11 benefits under ORS 657.315 if the director finds that the benefits are recoverable due to a change  
12 in federal or state law, the application of which has caused the disqualification of benefits previously  
13 paid.

14 “(2)(a) Except as provided in paragraph (b) of this subsection, the director may waive recovery  
15 of all or any part of overpaid benefits subject to repayment or deduction under ORS 657.310 [(1)] (2)  
16 or 657.315 (1) if the director finds that recovery of the benefits would be against equity and good  
17 conscience.

18 “(b) The director may not waive recovery under this subsection of overpaid benefits that are:

19 **“(A) Described in ORS 657.310 (1)(b); or**

20 **“(B) Subject to the penalty imposed under ORS 657.310 [(2)] (3).**

21 “(3) The director may waive establishment and recovery of overpaid benefits when no decision  
22 has been issued under ORS 657.310 or 657.315 and the amount of the overpayment is less than one-  
23 half of the maximum weekly benefit amount in effect at the time the overpayment is discovered.

24 “(4) Any waiver granted under this section extinguishes all liability of the debtor for the waived  
25 amounts.

26 **“SECTION 12.** ORS 657.317, as amended by section 11 of this 2025 Act, is amended to read:

27 “657.317. (1) The Director of the Employment Department shall waive recovery of overpaid  
28 benefits under ORS 657.315 if the director finds that the benefits are recoverable due to a change  
29 in federal or state law, the application of which has caused the disqualification of benefits previously  
30 paid.

31 “(2)(a) Except as provided in paragraph (b) of this subsection, the director may waive recovery  
32 of all or any part of overpaid benefits subject to repayment or deduction under ORS 657.310 (2) or  
33 657.315 (1) if the director finds that recovery of the benefits would be against equity and good con-  
34 science.

35 “(b) The director may not waive recovery under this subsection of overpaid benefits that are[:]

36 “[*(A) Described in ORS 657.310 (1)(b); or*]

37 “[*(B)*] subject to the penalty imposed under ORS 657.310 (3).

38 “(3) The director may waive establishment and recovery of overpaid benefits when no decision  
39 has been issued under ORS 657.310 or 657.315 and the amount of the overpayment is less than one-  
40 half of the maximum weekly benefit amount in effect at the time the overpayment is discovered.

41 “(4) Any waiver granted under this section extinguishes all liability of the debtor for the waived  
42 amounts.

43 **“SECTION 13. The amendments to ORS 657.317 by section 12 of this 2025 Act become**  
44 **operative on January 1, 2036.**

45 **“SECTION 14. Section 15 of this 2025 Act is added to and made a part of ORS chapter 657.**



1       **“SECTION 15. (1) Benefits received by an employee of a school district or an education**  
2 **service district during a labor dispute shall count toward the employee’s total compensation**  
3 **in the applicable collective bargaining agreement.**

4       **“(2) The district shall deduct from the employee’s future wages the amount of the bene-**  
5 **fits received.**

6       **“SECTION 16.** ORS 657.176 is amended to read:

7       “657.176. (1) An authorized representative designated by the Director of the Employment De-  
8 partment shall promptly examine each claim to determine whether an individual is subject to dis-  
9 qualification as a result of a separation, termination, leaving, resignation[,] or disciplinary  
10 suspension from work, or as a result of failure to apply for or accept work, and shall promptly enter  
11 a director’s decision if required by ORS 657.267. The authorized representative may address issues  
12 raised by information before the authorized representative, including but not limited to the nature  
13 of the separation, notwithstanding the way the parties characterize those issues.

14       “(2) An individual shall be disqualified from the receipt of benefits until the individual has per-  
15 formed service in employment subject to this chapter or the equivalent law of another state or  
16 Canada or as defined in ORS 657.030 (2) or as an employee of the federal government, for which  
17 remuneration is received that equals or exceeds four times the individual’s weekly benefit amount  
18 subsequent to the week in which the act causing the disqualification occurred, if the authorized  
19 representative designated by the director finds that the individual:

20       “(a) Has been discharged for misconduct connected with work;

21       “(b) Has been suspended from work for misconduct connected with work;

22       “(c) Voluntarily left work without good cause;

23       “(d) Failed without good cause to apply for available suitable work when referred by the em-  
24 ployment office or the director;

25       “(e) Failed without good cause to accept suitable work when offered;

26       “(f) Has been discharged or suspended for being absent or tardy in reporting to work and the  
27 absence or tardiness occurred as a result of the unlawful use of any drug unless the person was  
28 participating in a recognized drug rehabilitation program at the time of the absence or tardiness,  
29 or is so participating within 10 days after the date of the discharge or suspension, and the person  
30 provides to the Employment Department documentation of program participation. As used in this  
31 paragraph, ‘unlawful use’ does not include the use of a drug taken under the supervision of a li-  
32 censed health care professional and in accordance with the prescribed directions for consumption,  
33 or other uses authorized by the laws of this state;

34       “(g) Has been discharged or suspended for being absent or tardy in reporting to work and the  
35 absence or tardiness occurred as the result of the use of alcohol or cannabis on a second or any  
36 subsequent occasion within a period of 12 months unless the person was participating in a recog-  
37 nized alcohol or cannabis rehabilitation program at the time of the absence or tardiness, or is so  
38 participating within 10 days after the date of the discharge or suspension, and the person provides  
39 to the department documentation of program participation; or

40       “(h) Has committed a disqualifying act described in subsection (9) or (10) of this section.

41       “(3) If the authorized representative designated by the director finds that an individual was  
42 discharged for misconduct because of the individual’s commission of a felony or theft in connection  
43 with the individual’s work, all benefit rights based on wages earned prior to the date of the dis-  
44 charge shall be canceled if the individual’s employer notifies the director of the discharge within  
45 10 days following issuance of the notice provided for in ORS 657.265 or 30 days following issuance

1 of the notice provided for in ORS 657.266, and:

2 “(a) The individual has admitted commission of the felony or theft to an authorized represen-  
3 tative of the director;

4 “(b) The individual has signed a written admission of the felony or theft and the written ad-  
5 mission has been presented to an authorized representative of the director; or

6 “(c) The felony or theft has resulted in a conviction by a court of competent jurisdiction.

7 “(4) An individual disqualified under subsection (2) of this section shall have the individual’s  
8 maximum benefit amount reduced by eight times the individual’s weekly benefit amount. However,  
9 in no event shall the individual’s maximum benefit amount be reduced to less than the individual’s  
10 weekly benefit amount unless the individual has previously received benefits during the individual’s  
11 benefit year.

12 “(5) An individual may not be disqualified from receiving benefits under subsection (2)(c) or (e)  
13 of this section [or under ORS 657.200] if the individual ceases work or fails to accept work when a  
14 collective bargaining agreement between the individual’s bargaining unit and the individual’s em-  
15 ployer is in effect and the employer unilaterally modifies the amount of wages payable under the  
16 agreement, in breach of the agreement.

17 “(6) For purposes of applying subsection (2) of this section, when an individual has notified an  
18 employer that the individual will leave work on a specific date and it is determined that:

19 “(a) The separation would be for reasons that constitute good cause;

20 “(b) The individual voluntarily left work without good cause prior to the date of the impending  
21 good cause voluntary leaving date; and

22 “(c) The actual voluntary leaving of work occurred no more than 15 days prior to the planned  
23 date of voluntary leaving,

24  
25 then the separation from work shall be adjudicated as if the actual voluntary leaving had not oc-  
26 curred and the planned voluntary leaving had occurred. However, the individual shall be ineligible  
27 for benefits for the period including the week in which the actual voluntary leaving occurred  
28 through the week prior to the week of the planned good cause voluntary leaving date.

29 “(7) For purposes of applying subsection (2) of this section, when an employer has notified an  
30 individual that the individual will be discharged on a specific date and it is determined that:

31 “(a) The discharge would not be for reasons that constitute misconduct connected with the  
32 work;

33 “(b) The individual voluntarily left work without good cause prior to the date of the impending  
34 discharge; and

35 “(c) The voluntary leaving of work occurred no more than 15 days prior to the date of the im-  
36 pending discharge,

37  
38 then the separation from work shall be adjudicated as if the voluntary leaving had not occurred and  
39 the discharge had occurred. However, the individual shall be ineligible for benefits for the period  
40 including the week in which the voluntary leaving occurred through the week prior to the week in  
41 which the individual would have been discharged.

42 “(8) For purposes of applying subsection (2) of this section, when an individual has notified an  
43 employer that the individual will leave work on a specific date and it is determined that:

44 “(a) The voluntary leaving would be for reasons that do not constitute good cause;

45 “(b) The employer discharged the individual, but not for misconduct connected with work, prior

1 to the date of the planned voluntary leaving; and

2 “(c) The actual discharge occurred no more than 15 days prior to the planned voluntary leaving,  
3  
4 then the separation from work shall be adjudicated as if the discharge had not occurred and the  
5 planned voluntary leaving had occurred. However, the individual shall be eligible for benefits for the  
6 period including the week in which the actual discharge occurred through the week prior to the  
7 week of the planned voluntary leaving date.

8 “(9)(a) For the purposes of subsection (2) of this section, an individual is considered to have  
9 committed a disqualifying act when the individual:

10 “(A) Fails to comply with the terms and conditions of a reasonable written policy established  
11 by the employer or through collective bargaining, which may include blanket, random, periodic and  
12 probable cause testing, that governs the use, sale, possession or effects of drugs, cannabis or alcohol  
13 in the workplace;

14 “(B) Fails or refuses to take a drug, cannabis or alcohol test as required by the employer’s  
15 reasonable written policy;

16 “(C) Refuses to cooperate with or subverts or attempts to subvert a drug, cannabis or alcohol  
17 testing process in any employment-related test required by the employer’s reasonable written policy,  
18 including but not limited to:

19 “(i) Refusal or failure to complete proper documentation that authorizes the test;

20 “(ii) Refusal or failure to sign a chain of custody form;

21 “(iii) Presentation of false identification;

22 “(iv) Placement of an adulterant in the individual’s specimen for testing, when the adulterant is  
23 identified by a testing facility; or

24 “(v) Interference with the accuracy of the test results by conduct that includes dilution or  
25 adulteration of a test specimen;

26 “(D) Is under the influence of intoxicants while performing services for the employer;

27 “(E) Possesses cannabis or a drug unlawfully or in violation of the employer’s reasonable written  
28 policy during work;

29 “(F) Tests positive for alcohol, cannabis or an unlawful drug in connection with employment;  
30 or

31 “(G) Refuses to enter into or violates the terms of a last chance agreement with the employer.

32 “(b)(A) Except as provided in subparagraph (B) of this paragraph, an individual is not considered  
33 to have committed a disqualifying act under this subsection if the individual, on the date of sepa-  
34 ration or within 10 days after the date of separation, is participating in a recognized drug, cannabis  
35 or alcohol rehabilitation program and provides documentation of participation in the program to the  
36 department.

37 “(B) This paragraph does not apply to an individual who has refused to enter into or has vio-  
38 lated the terms of a last chance agreement with the employer.

39 “(c) It is no defense or excuse under this section that the individual’s separation resulted from  
40 alcohol use, cannabis use, unlawful drug use, alcoholism or addiction to cannabis or drugs.

41 “(d) The department shall adopt rules to carry out the provisions of this subsection.

42 “(10) For the purposes of subsection (2) of this section, an individual is considered to have  
43 committed a disqualifying act when the individual voluntarily leaves work, fails to apply for avail-  
44 able suitable work when referred by the employment office or the director or fails to accept suitable  
45 work when offered:

1 “(a) Because the employer has or introduces a reasonable written cannabis-free or drug-free  
2 workplace policy that is consistent with subsection (9)(a)(A) of this section;

3 “(b) Because the employer requires the employee to consent to present or future drug, cannabis  
4 or alcohol tests under a reasonable written policy that is consistent with subsection (9)(a)(A) of this  
5 section;

6 “(c) To avoid taking a drug, cannabis or alcohol test under a reasonable written policy that is  
7 consistent with subsection (9)(a)(A) of this section; or

8 “(d) To avoid meeting the requirements of a last chance agreement.

9 “(11) An individual may not be disqualified from receiving benefits under subsection (2)(c) of this  
10 section and shall be deemed laid off if the individual:

11 “(a) Works under a collective bargaining agreement;

12 “(b) Elects to be laid off when the employer has decided to lay off employees; and

13 “(c) Is placed on the referral list under the collective bargaining agreement.

14 “(12) An individual may not be disqualified from receiving benefits under subsection (2)(c), (d)  
15 or (e) of this section or be considered unavailable for purposes of ORS 657.155 if:

16 “(a) The individual or a member of the individual’s immediate family is a victim of domestic vi-  
17 olence, stalking, sexual assault or a bias crime, or the individual believes that the individual or a  
18 member of the individual’s immediate family could become a victim of domestic violence, stalking,  
19 sexual assault or a bias crime; and

20 “(b) The individual leaves work, fails to apply for available suitable work or fails to accept  
21 suitable work when offered in order to protect the individual or a member of the individual’s im-  
22 mediate family from domestic violence, stalking, sexual assault or a bias crime that the individual  
23 reasonably believes will occur as a result of the individual’s continued employment or acceptance  
24 of work.

25 “(13) For purposes of this section:

26 “(a) ‘Adulterant’ means a substance that does not occur naturally in urine, or that occurs na-  
27 turally in urine but not at the concentrations detected. ‘Adulterant’ includes but is not limited to  
28 glutaraldehyde, nitrite concentrations above physiological levels, hypochlorite or soap.

29 “(b) ‘Bias crime’ means:

30 “(A) Conduct that, in the determination of the director, more likely than not constitutes a bias  
31 crime in the first degree described in ORS 166.165 or a bias crime in the second degree described  
32 in ORS 166.155; or

33 “(B) Similar conduct, as defined by the director by rule.

34 “(c) ‘Drug’ means a controlled substance as defined in ORS 475.005.

35 “(d) ‘Last chance agreement’ means a reasonable agreement:

36 “(A) Between an employer and an employee who has violated the employer’s reasonable written  
37 policy, has engaged in drug, cannabis or alcohol use connected with work or has admitted to alcohol  
38 abuse, cannabis abuse or unlawful drug use; and

39 “(B) That permits the employee to return to work under conditions that may require the em-  
40 ployee to:

41 “(i) Abstain from alcohol use, cannabis use and unlawful drug use; and

42 “(ii) Attend and comply with the requirements of a rehabilitation or education program accept-  
43 able to the employer.

44 “(e) ‘Under the influence of intoxicants’ means the level of alcohol, cannabis or unlawful drugs  
45 present in an individual’s body exceeds the amount prescribed in a collective bargaining agreement

1 or the amount prescribed in the employer's reasonable written policy if there is no applicable col-  
2 lective bargaining agreement provision.

3 **"SECTION 17.** ORS 657.176, as amended by section 16 of this 2025 Act, is amended to read:

4 "657.176. (1) An authorized representative designated by the Director of the Employment De-  
5 partment shall promptly examine each claim to determine whether an individual is subject to dis-  
6 qualification as a result of a separation, termination, leaving, resignation or disciplinary suspension  
7 from work, or as a result of failure to apply for or accept work, and shall promptly enter a director's  
8 decision if required by ORS 657.267. The authorized representative may address issues raised by  
9 information before the authorized representative, including but not limited to the nature of the  
10 separation, notwithstanding the way the parties characterize those issues.

11 "(2) An individual shall be disqualified from the receipt of benefits until the individual has per-  
12 formed service in employment subject to this chapter or the equivalent law of another state or  
13 Canada or as defined in ORS 657.030 (2) or as an employee of the federal government, for which  
14 remuneration is received that equals or exceeds four times the individual's weekly benefit amount  
15 subsequent to the week in which the act causing the disqualification occurred, if the authorized  
16 representative designated by the director finds that the individual:

17 "(a) Has been discharged for misconduct connected with work;

18 "(b) Has been suspended from work for misconduct connected with work;

19 "(c) Voluntarily left work without good cause;

20 "(d) Failed without good cause to apply for available suitable work when referred by the em-  
21 ployment office or the director;

22 "(e) Failed without good cause to accept suitable work when offered;

23 "(f) Has been discharged or suspended for being absent or tardy in reporting to work and the  
24 absence or tardiness occurred as a result of the unlawful use of any drug unless the person was  
25 participating in a recognized drug rehabilitation program at the time of the absence or tardiness,  
26 or is so participating within 10 days after the date of the discharge or suspension, and the person  
27 provides to the Employment Department documentation of program participation. As used in this  
28 paragraph, 'unlawful use' does not include the use of a drug taken under the supervision of a li-  
29 censed health care professional and in accordance with the prescribed directions for consumption,  
30 or other uses authorized by the laws of this state;

31 "(g) Has been discharged or suspended for being absent or tardy in reporting to work and the  
32 absence or tardiness occurred as the result of the use of alcohol or cannabis on a second or any  
33 subsequent occasion within a period of 12 months unless the person was participating in a recog-  
34 nized alcohol or cannabis rehabilitation program at the time of the absence or tardiness, or is so  
35 participating within 10 days after the date of the discharge or suspension, and the person provides  
36 to the department documentation of program participation; or

37 "(h) Has committed a disqualifying act described in subsection (9) or (10) of this section.

38 "(3) If the authorized representative designated by the director finds that an individual was  
39 discharged for misconduct because of the individual's commission of a felony or theft in connection  
40 with the individual's work, all benefit rights based on wages earned prior to the date of the dis-  
41 charge shall be canceled if the individual's employer notifies the director of the discharge within  
42 10 days following issuance of the notice provided for in ORS 657.265 or 30 days following issuance  
43 of the notice provided for in ORS 657.266, and:

44 "(a) The individual has admitted commission of the felony or theft to an authorized represen-  
45 tative of the director;

1       “(b) The individual has signed a written admission of the felony or theft and the written ad-  
2 mission has been presented to an authorized representative of the director; or

3       “(c) The felony or theft has resulted in a conviction by a court of competent jurisdiction.

4       “(4) An individual disqualified under subsection (2) of this section shall have the individual’s  
5 maximum benefit amount reduced by eight times the individual’s weekly benefit amount. However,  
6 in no event shall the individual’s maximum benefit amount be reduced to less than the individual’s  
7 weekly benefit amount unless the individual has previously received benefits during the individual’s  
8 benefit year.

9       “(5) An individual may not be disqualified from receiving benefits under subsection (2)(c) or (e)  
10 of this section **or under ORS 657.200** if the individual ceases work or fails to accept work when a  
11 collective bargaining agreement between the individual’s bargaining unit and the individual’s em-  
12 ployer is in effect and the employer unilaterally modifies the amount of wages payable under the  
13 agreement, in breach of the agreement.

14       “(6) For purposes of applying subsection (2) of this section, when an individual has notified an  
15 employer that the individual will leave work on a specific date and it is determined that:

16       “(a) The separation would be for reasons that constitute good cause;

17       “(b) The individual voluntarily left work without good cause prior to the date of the impending  
18 good cause voluntary leaving date; and

19       “(c) The actual voluntary leaving of work occurred no more than 15 days prior to the planned  
20 date of voluntary leaving,

21  
22 then the separation from work shall be adjudicated as if the actual voluntary leaving had not oc-  
23 curred and the planned voluntary leaving had occurred. However, the individual shall be ineligible  
24 for benefits for the period including the week in which the actual voluntary leaving occurred  
25 through the week prior to the week of the planned good cause voluntary leaving date.

26       “(7) For purposes of applying subsection (2) of this section, when an employer has notified an  
27 individual that the individual will be discharged on a specific date and it is determined that:

28       “(a) The discharge would not be for reasons that constitute misconduct connected with the  
29 work;

30       “(b) The individual voluntarily left work without good cause prior to the date of the impending  
31 discharge; and

32       “(c) The voluntary leaving of work occurred no more than 15 days prior to the date of the im-  
33 pending discharge,

34  
35 then the separation from work shall be adjudicated as if the voluntary leaving had not occurred and  
36 the discharge had occurred. However, the individual shall be ineligible for benefits for the period  
37 including the week in which the voluntary leaving occurred through the week prior to the week in  
38 which the individual would have been discharged.

39       “(8) For purposes of applying subsection (2) of this section, when an individual has notified an  
40 employer that the individual will leave work on a specific date and it is determined that:

41       “(a) The voluntary leaving would be for reasons that do not constitute good cause;

42       “(b) The employer discharged the individual, but not for misconduct connected with work, prior  
43 to the date of the planned voluntary leaving; and

44       “(c) The actual discharge occurred no more than 15 days prior to the planned voluntary leaving,

1 then the separation from work shall be adjudicated as if the discharge had not occurred and the  
2 planned voluntary leaving had occurred. However, the individual shall be eligible for benefits for the  
3 period including the week in which the actual discharge occurred through the week prior to the  
4 week of the planned voluntary leaving date.

5 “(9)(a) For the purposes of subsection (2) of this section, an individual is considered to have  
6 committed a disqualifying act when the individual:

7 “(A) Fails to comply with the terms and conditions of a reasonable written policy established  
8 by the employer or through collective bargaining, which may include blanket, random, periodic and  
9 probable cause testing, that governs the use, sale, possession or effects of drugs, cannabis or alcohol  
10 in the workplace;

11 “(B) Fails or refuses to take a drug, cannabis or alcohol test as required by the employer’s  
12 reasonable written policy;

13 “(C) Refuses to cooperate with or subverts or attempts to subvert a drug, cannabis or alcohol  
14 testing process in any employment-related test required by the employer’s reasonable written policy,  
15 including but not limited to:

16 “(i) Refusal or failure to complete proper documentation that authorizes the test;

17 “(ii) Refusal or failure to sign a chain of custody form;

18 “(iii) Presentation of false identification;

19 “(iv) Placement of an adulterant in the individual’s specimen for testing, when the adulterant is  
20 identified by a testing facility; or

21 “(v) Interference with the accuracy of the test results by conduct that includes dilution or  
22 adulteration of a test specimen;

23 “(D) Is under the influence of intoxicants while performing services for the employer;

24 “(E) Possesses cannabis or a drug unlawfully or in violation of the employer’s reasonable written  
25 policy during work;

26 “(F) Tests positive for alcohol, cannabis or an unlawful drug in connection with employment;  
27 or

28 “(G) Refuses to enter into or violates the terms of a last chance agreement with the employer.

29 “(b)(A) Except as provided in subparagraph (B) of this paragraph, an individual is not considered  
30 to have committed a disqualifying act under this subsection if the individual, on the date of sepa-  
31 ration or within 10 days after the date of separation, is participating in a recognized drug, cannabis  
32 or alcohol rehabilitation program and provides documentation of participation in the program to the  
33 department.

34 “(B) This paragraph does not apply to an individual who has refused to enter into or has vio-  
35 lated the terms of a last chance agreement with the employer.

36 “(c) It is no defense or excuse under this section that the individual’s separation resulted from  
37 alcohol use, cannabis use, unlawful drug use, alcoholism or addiction to cannabis or drugs.

38 “(d) The department shall adopt rules to carry out the provisions of this subsection.

39 “(10) For the purposes of subsection (2) of this section, an individual is considered to have  
40 committed a disqualifying act when the individual voluntarily leaves work, fails to apply for avail-  
41 able suitable work when referred by the employment office or the director or fails to accept suitable  
42 work when offered:

43 “(a) Because the employer has or introduces a reasonable written cannabis-free or drug-free  
44 workplace policy that is consistent with subsection (9)(a)(A) of this section;

45 “(b) Because the employer requires the employee to consent to present or future drug, cannabis

1 or alcohol tests under a reasonable written policy that is consistent with subsection (9)(a)(A) of this  
2 section;

3 “(c) To avoid taking a drug, cannabis or alcohol test under a reasonable written policy that is  
4 consistent with subsection (9)(a)(A) of this section; or

5 “(d) To avoid meeting the requirements of a last chance agreement.

6 “(11) An individual may not be disqualified from receiving benefits under subsection (2)(c) of this  
7 section and shall be deemed laid off if the individual:

8 “(a) Works under a collective bargaining agreement;

9 “(b) Elects to be laid off when the employer has decided to lay off employees; and

10 “(c) Is placed on the referral list under the collective bargaining agreement.

11 “(12) An individual may not be disqualified from receiving benefits under subsection (2)(c), (d)  
12 or (e) of this section or be considered unavailable for purposes of ORS 657.155 if:

13 “(a) The individual or a member of the individual’s immediate family is a victim of domestic vi-  
14 olence, stalking, sexual assault or a bias crime, or the individual believes that the individual or a  
15 member of the individual’s immediate family could become a victim of domestic violence, stalking,  
16 sexual assault or a bias crime; and

17 “(b) The individual leaves work, fails to apply for available suitable work or fails to accept  
18 suitable work when offered in order to protect the individual or a member of the individual’s im-  
19 mediate family from domestic violence, stalking, sexual assault or a bias crime that the individual  
20 reasonably believes will occur as a result of the individual’s continued employment or acceptance  
21 of work.

22 “(13) For purposes of this section:

23 “(a) ‘Adulterant’ means a substance that does not occur naturally in urine, or that occurs na-  
24 turally in urine but not at the concentrations detected. ‘Adulterant’ includes but is not limited to  
25 glutaraldehyde, nitrite concentrations above physiological levels, hypochlorite or soap.

26 “(b) ‘Bias crime’ means:

27 “(A) Conduct that, in the determination of the director, more likely than not constitutes a bias  
28 crime in the first degree described in ORS 166.165 or a bias crime in the second degree described  
29 in ORS 166.155; or

30 “(B) Similar conduct, as defined by the director by rule.

31 “(c) ‘Drug’ means a controlled substance as defined in ORS 475.005.

32 “(d) ‘Last chance agreement’ means a reasonable agreement:

33 “(A) Between an employer and an employee who has violated the employer’s reasonable written  
34 policy, has engaged in drug, cannabis or alcohol use connected with work or has admitted to alcohol  
35 abuse, cannabis abuse or unlawful drug use; and

36 “(B) That permits the employee to return to work under conditions that may require the em-  
37 ployee to:

38 “(i) Abstain from alcohol use, cannabis use and unlawful drug use; and

39 “(ii) Attend and comply with the requirements of a rehabilitation or education program accept-  
40 able to the employer.

41 “(e) ‘Under the influence of intoxicants’ means the level of alcohol, cannabis or unlawful drugs  
42 present in an individual’s body exceeds the amount prescribed in a collective bargaining agreement  
43 or the amount prescribed in the employer’s reasonable written policy if there is no applicable col-  
44 lective bargaining agreement provision.

45 “**SECTION 18.** The amendments to ORS 657.176 by section 17 of this 2025 Act apply to



1 weeks beginning on or after January 1, 2036.

2 “**SECTION 19.** ORS 657.202 is amended to read:

3 “657.202. (1) As used in this section, ‘temporary lockout benefits’ means benefits payable as  
4 provided in this section to individuals who are unemployed due to a lockout [*as defined in ORS*  
5 *662.205*].

6 “(2) An individual is eligible to receive temporary lockout benefits for a week in an amount  
7 equal to the weekly benefit amount of the individual’s most recent unemployment benefit claim if:

8 “(a) Prior to the week, the individual has received all of the regular benefits that were available  
9 to the individual under this chapter;

10 “(b) The individual is not eligible for any other benefits, including benefits provided under any  
11 federal law extending benefits beyond those provided for as regular benefits; and

12 “(c) At the time of filing an initial or additional claim, the individual is unemployed due to a  
13 lockout at the individual’s place of employment.

14 “(3) The maximum temporary lockout benefit amount an individual may receive under this sec-  
15 tion is 26 times the weekly benefit amount of the individual’s most recent unemployment benefit  
16 claim.

17 “(4) Notwithstanding subsections (2) and (3) of this section, temporary lockout benefits otherwise  
18 payable to an individual under this section may not be paid for weeks that begin after the week in  
19 which the lockout ends.

20 “(5) An employer shall be charged for temporary lockout benefits in the manner provided in this  
21 chapter for charging employers for regular benefits.

22 “**SECTION 20.** ORS 657.400 is amended to read:

23 “657.400. (1) There is established in the State Treasury, separate and distinct from the General  
24 Fund, the Employment Department Special Fraud Control Fund. The Employment Department Spe-  
25 cial Fraud Control Fund shall consist of moneys collected or received by the Employment Depart-  
26 ment as follows:

27 “(a) Interest and penalties described under ORS 657.310 [(7)(b)] **(8)(b)**.

28 “(b) All gifts to, interest on or profits earned by the Employment Department Special Fraud  
29 Control Fund.

30 “(2) The moneys in the Employment Department Special Fraud Control Fund are continuously  
31 appropriated to the Employment Department and may not be appropriated, transferred or otherwise  
32 made available to any other state agency.

33 “(3) All amounts in the Employment Department Special Fraud Control Fund shall be used for  
34 the following purposes, as included in the biennial budget of the Employment Department and ap-  
35 proved by the Legislative Assembly:

36 “(a) Administrative costs associated with the prevention, discovery and collection of unemploy-  
37 ment benefit overpayments;

38 “(b) Costs associated with the Lost Wages Assistance program administered by the department  
39 pursuant to a grant agreement with the Federal Emergency Management Agency under authority  
40 established by the presidential memorandum issued on August 8, 2020, on the subject of Authorizing  
41 the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Dis-  
42 ease 2019; and

43 “(c) Administrative costs associated with other benefit programs administered by the depart-  
44 ment.

45 “(4) If, under subsection (3)(b) of this section, the Employment Department uses any amounts for

1 the purpose of reimbursing the Federal Emergency Management Agency for overpayments of bene-  
2 fits under the Lost Wages Assistance program:

3 “(a) Any amounts of overpayments collected from the debtor by the department shall be depos-  
4 ited in the Employment Department Special Fraud Control Fund.

5 “(b)(A) The department may collect such overpayments under the provisions of this chapter as  
6 if the amounts were overpayments of regular benefits; or

7 “(B) The Director of the Employment Department may waive collection of such overpayments  
8 if the director determines that it is administratively impracticable to pursue collection.

9 **“SECTION 21. Section 22 of this 2025 Act is added to and made a part of ORS chapter 657.**

10 **“SECTION 22. The Director of the Employment Department shall submit an annual re-**  
11 **port, in the manner provided in ORS 192.245, to the interim committees of the Legislative**  
12 **Assembly related to employment, that presents data on:**

13 **“(1) The incidence of strikes in this state before and after the effective date of this 2025**  
14 **Act;**

15 **“(2) For public employees and private employees stated separately:**

16 **“(a) The number of claims for benefits submitted by striking workers made eligible under**  
17 **ORS 657.200 (2)(b); and**

18 **“(b) The amount of benefits paid to claimants described in paragraph (a) of this sub-**  
19 **section; and**

20 **“(3) Any other relevant matter the director considers important to include in the report.**

21 **“SECTION 23. Section 22 of this 2025 Act is repealed on January 2, 2038.”.**

22 /s/ Shelly Boshart Davis  
23 Representative

24 /s/ Lucetta Elmer  
25 Representative  
26 \_\_\_\_\_  
27