

A-Engrossed Senate Bill 968

Ordered by the Senate April 17
Including Senate Amendments dated April 17

Sponsored by Senator TAYLOR; Senators JAMA, MANNING JR, MEEK, WOODS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would make new laws for deductions from public employees' wages to recoup amounts that were paid in error. (Flesch Readability Score: 63.8).

[Digest: The Act would make new laws for deductions from employees' wages to recoup amounts that were paid in error. (Flesch Readability Score: 67.3).]

[Provides requirements for employer deductions for erroneous overpayments of wages for employees who are not subject to a collective bargaining agreement. Clarifies that, for employees who are subject to a collective bargaining agreement, employer deductions for erroneous overpayments of wages made pursuant to the terms of the applicable collective bargaining agreement are not prohibited.]

Provides conditions and procedures under which a public employer may deduct amounts of erroneous overpayments from a public employee's wages.

A BILL FOR AN ACT

Relating to deductions from employee wages; creating new provisions; and repealing ORS 292.063.

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

SECTION 1. (1) As used in this section, "public employee" and "public employer" have the meanings given those terms under ORS 243.650.

(2) When a public employee receives an erroneous overpayment of wages in an amount greater than the employee's entitlement, the public employer may deduct the amount of the overpayment from wages earned by the public employee provided that:

(a) The deduction is for an overpayment that occurred during the 364-day period immediately preceding the date on which the public employer provides to the public employee the written statements described under paragraph (b) of this subsection; and

(b) The public employer provides the following to the public employee at least 10 calendar days before making the deduction:

(A) A written statement itemizing the overpayment amount and purpose of each deduction;

(B) A written statement that provides that in no event may the total amount of a deduction exceed five percent of the public employee's gross pay each pay period, unless the public employee otherwise requests and specifies that a greater percentage or amount be deducted; and

(C) A written statement informing the public employee that, if the public employee is terminated or otherwise separates from employment, the public employer can recoup the balance owed from the public employee's final paycheck.

SECTION 2. ORS 292.063 is repealed.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

