

Requested by Representative NELSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2746**

1 On page 1 of the printed bill, line 3, delete “659A.357, 659A.360 and
2 659A.830” and insert “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
5 made a part of ORS chapter 652.**

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

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

11 **“(2) Provide reassurance that employees are not discriminated
12 against in payment of compensation for a particular employment po-
13 sition;**

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

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

16 **“(5) Allow job applicants and employees to base employment deci-
17 sions on complete information.**

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

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

1 “(b)(A) ‘Employer’ means any person employing one or more em-
2 ployees, including the State of Oregon or any political subdivision
3 thereof or any county, city, district, authority, public corporation or
4 entity and any of their instrumentalities organized and existing under
5 law or charter.

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

7 “(c) ‘Employment agency’ has the meaning given that term in ORS
8 659A.001, except that ‘employment agency’ does not include the Em-
9 ployment Department.

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

13 “(e)(A) ‘Job posting’ means any written solicitation intended to re-
14 cruit applicants for an employment, promotion or transfer opportu-
15 nity.

16 “(B) ‘Job posting’ does not mean solicitations that exclude any
17 reference to a specific employment, promotion or transfer opportunity
18 or to specific qualifications for desired applicants.

19 “(f) ‘Wage range’ means a range from the lowest to the highest
20 salary or hourly wage that an employer sets in good faith as compen-
21 sation for a particular employment position by referencing:

22 “(A) A predetermined compensation schedule;

23 “(B) A predetermined range of wages for the position;

24 “(C) The actual range of wages paid to other employees who hold
25 equivalent positions; or

26 “(D) An allocated budget.

27 “(2) An employer or an employment agency may not:

28 “(a) Fail or refuse to disclose in any internal or external job posting
29 for an employment, promotion or transfer opportunity the wage or
30 wage range, a general description of the employment benefits and any

1 other compensation associated with the employment, promotion or
2 transfer opportunity.

3 “(b) If an employment, promotion or transfer opportunity has not
4 been made available to the applicant applying for the opportunity, fail
5 or refuse to provide to an applicant who is applying for the opportu-
6 nity the wage or wage range, a general description of the employment
7 benefits and any other compensation associated with the opportunity:

8 “(A) Upon the request of the applicant; and

9 “(B) Prior to extending an offer or engaging in any discussion re-
10 garding compensation.

11 “(c) Fail or refuse to provide each employee with the current wage
12 or wage range, a general description of the employment benefits and
13 any other compensation associated with the same or equivalent em-
14 ployment positions held by other employees as follows:

15 “(A) At the time of hire;

16 “(B) Upon the transfer or promotion of the employee; and

17 “(C) Once per calendar year, upon the request of the employee.

18 “(3)(a) An employer shall keep and maintain records for each em-
19 ployee of the employer that include information sufficient for an em-
20 ployer to comply with the disclosure requirements of this section,
21 including but not limited to:

22 “(A) The wage or wage range, a general description of the employ-
23 ment benefits and any other compensation associated with each em-
24 ployment, promotion and transfer opportunity made available by the
25 employer.

26 “(B) The wage rate history.

27 “(b) An employer shall retain a record described in paragraph (a)
28 of this subsection throughout the duration of the employee’s employ-
29 ment with the employer and for at least two years following the date
30 on which the employee ceases to be employed by the employer.

1 “(4) This section applies to positions that will be performed or are
2 able to be performed in whole or in part in this state.

3 “(5) In determining whether a wage range was set by an employer
4 in good faith, a trier of fact in administrative action brought under
5 this section may consider, in addition to any other relevant factors,
6 the breadth of the wage range.

7 “(6) An individual who alleges a violation of this section must file
8 a complaint with the Commissioner of the Bureau of Labor and In-
9 dustries within one year of the occurrence of the conduct that gave
10 rise to the complaint.

11 “(7)(a) In addition to any other relief provided by law, the commis-
12 sioner may assess a civil penalty against an employer or employment
13 agency that violates subsection (2) or (3) of this section as follows:

14 “(A) \$1,000 for a first violation. In lieu of imposing a civil penalty
15 for a first violation, the commissioner may issue a letter of explana-
16 tion or education to the employer or employment agency.

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

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

21 “(b) For purposes of assessing a violation under this subsection, a
22 separate violation occurs:

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

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

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

29 “(d) All sums collected as civil penalties under this section must
30 first be applied toward reimbursement of the costs incurred in deter-

1 **mining the violations, conducting hearings and assessing and collect-**
2 **ing the penalty. The remainder, if any, shall be deposited in the Wage**
3 **Security Fund under ORS 652.409.**

4 **“(8) The commissioner shall conduct proactive outreach and ongo-**
5 **ing training to educate employers and employment agencies about the**
6 **requirements of this section and section 5 of this 2025 Act.**

7 **“SECTION 4. Section 5 of this 2025 Act and ORS 659A.357 and**
8 **659A.360 are added to and made a part of ORS chapter 659A.**

9 **“SECTION 5. (1) It is an unlawful employment practice for an em-**
10 **ployer or an employment agency to retaliate or in any way discrimi-**
11 **nate against an individual with respect to hire or tenure or any other**
12 **term or condition of employment because the individual has invoked**
13 **section 3 of this 2025 Act, exercised a right protected under section 3**
14 **of this 2025 Act or attempted to do so.**

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

18 **“(3) As used in this section, ‘employment agency’ has the meaning**
19 **given that term in ORS 659A.001, except that ‘employment agency’**
20 **does not include the Employment Department.**

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

22 **“659A.357. (1) It is an unlawful practice under ORS chapter 659A for an**
23 **employer [or], prospective employer or employment agency to seek the**
24 **salary history of an applicant or employee from the applicant or employee**
25 **or a current or former employer of the applicant or employee. This section**
26 **is not intended to prevent an employer or employment agency from re-**
27 **questing from a prospective employee written authorization to confirm prior**
28 **compensation after the employer or employment agency makes an offer of**
29 **employment to the prospective employee that includes an amount of com-**
30 **pensation.**

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

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

4 “659A.360. (1) It is an unlawful practice for an employer **or employment**
5 **agency** to exclude an applicant from an initial interview solely because of
6 a past criminal conviction.

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

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

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

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

15 “(3) Subject to subsections (1) and (2) of this section, nothing in this
16 section prevents an employer **or employment agency** from considering an
17 applicant’s conviction history when making a hiring decision.

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

19 “(a) If federal, state or local law, including corresponding rules and reg-
20 ulations, requires the consideration of an applicant’s criminal history;

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

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

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

24 “(e) **To an employment agency that undertakes to procure employ-**
25 **ees for an employer described in paragraph (b), (c) or (d) of this sub-**
26 **section.**

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

29 “SECTION 8. (1) Sections 3 and 5 of this 2025 Act and the amend-
30 ments to ORS 659A.357 and 659A.360 by sections 6 and 7 of this 2025

1 Act become operative on January 1, 2026.

2 “(2) The Commissioner of the Bureau of Labor and Industries may
3 adopt rules and take any other action before the operative date speci-
4 fied in subsection (1) of this section that is necessary to enable the
5 commissioner, on and after the operative date specified in subsection
6 (1) of this section, to undertake and exercise all of the duties, func-
7 tions and powers conferred on the commissioner under sections 3 and
8 5 of this 2025 Act.

9 “SECTION 9. Section 3 of this 2025 Act does not require an employer
10 to keep and maintain records that were created before the operative
11 date specified in section 8 of this 2025 Act and that are no longer
12 available on the operative date specified in section 8 of this 2025 Act.

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

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