

HB 2248-2  
(LC 1765)  
3/10/25 (JAS/ps)

Requested by HOUSE COMMITTEE ON LABOR AND WORKPLACE STANDARDS (at the request  
of Representative Dacia Grayber)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2248**

1 In line 2 of the printed bill, before the period insert “; creating new pro-  
2 visions; amending ORS 659A.003, 659A.840, 659A.845 and 659A.850; and pre-  
3 scribing an effective date”.

4 Delete lines 4 through 9 and insert:

5  
6 **“EMPLOYER ASSISTANCE DIVISION**

7  
8 **“SECTION 1. Sections 2, 3 and 4 of this 2025 Act are added to and**  
9 **made a part of ORS chapter 651.**

10 **“SECTION 2. The Employer Assistance Division is established**  
11 **within the Bureau of Labor and Industries. The purpose of the division**  
12 **is to provide education, training and interpretive guidance, including**  
13 **advisory opinions, to employers to assist employers in complying with**  
14 **laws that are enforced by the bureau.**

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

16 **“(a) ‘Advisory opinion’ has the meaning given that term in section**  
17 **4 of this 2025 Act.**

18 **“(b)(A) ‘Discussion communications’ means:**

19 **“(i) All communications, written and oral, that are made in the**  
20 **course of or in connection with a discussion between an employer and**  
21 **the Employer Assistance Division of the Bureau of Labor and Indus-**

1 tries.

2 “(ii) All memoranda, work products, documents and other materials  
3 that are prepared for or submitted in the course of or in connection  
4 with a discussion between an employer and the division.

5 “(B) ‘Discussion communications’ does not mean written or oral  
6 communications that occur after an employer has requested an advisory  
7 opinion.

8 “(c)(A) ‘Penalty’ includes but is not limited to:

9 “(i) A financial sanction imposed by the Bureau of Labor and Industries  
10 for a violation of law and due and owing to the bureau or the  
11 State of Oregon; and

12 “(ii) Civil penalties described in ORS 652.035, 652.100, 652.710, 652.900,  
13 653.256, 653.261, 653.370, 653.432, 659A.370, 659A.390, 659A.419, 659A.550  
14 and 659A.855.

15 “(B) ‘Penalty’ does not include moneys owing to an employee, including,  
16 but not limited to:

17 “(i) Wages described in ORS 652.150 or 653.055;

18 “(ii) The civil penalty for issuing a dishonored check for payment  
19 of wages as described in ORS 652.195;

20 “(iii) Liquidated damages described under ORS 279C.855 or 653.258;  
21 or

22 “(iv) The remedies described in ORS 659A.850.

23 “(d) ‘Requesting employer’ means an employer that requests assistance  
24 from the division.

25 “(2) Discussion communications made under this section:

26 “(a) Are not subject to disclosure under ORS 192.311 to 192.478.

27 “(b) Except as provided in subsection (4) of this section, are not  
28 admissible as evidence in any subsequent adjudicatory proceeding  
29 conducted by the bureau and may not be disclosed in any subsequent  
30 adjudicatory proceeding conducted by the bureau.

1       **“(3) Unless otherwise required by law, the division may not disclose**  
2 **the identity of a requesting employer as a requesting employer to any**  
3 **other regulatory body or any other division within the bureau.**

4       **“(4)(a) The prohibitions against disclosure under subsection (2) or**  
5 **(3) of this section do not apply to this subsection.**

6       **“(b) Discussion communications may be disclosed and admitted as**  
7 **evidence in a subsequent adjudicatory proceeding conducted by the**  
8 **bureau when offered by the requesting employer who participated in**  
9 **the discussion to show that the employer acted in good faith and in**  
10 **reliance on the communications.**

11       **“(5)(a) Except as provided in paragraph (b) of this subsection, the**  
12 **bureau may not impose a penalty on a requesting employer for any**  
13 **good faith action taken in reliance on discussion communications in**  
14 **which the employer has participated. A requesting employer seeking**  
15 **application of this paragraph bears the burden of proving that:**

16       **“(A) The discussion communications applied the same law that was**  
17 **in effect at the time that the employer took the good faith actions;**  
18 **and**

19       **“(B) The discussion communications involved the same or substan-**  
20 **tially similar facts such that it was reasonable for the employer to**  
21 **have relied on the discussion communications in taking good faith**  
22 **actions.**

23       **“(b) Paragraph (a) of this subsection does not apply if the bureau**  
24 **determines that the requesting employer omitted or misstated mate-**  
25 **rial facts during the course of or in connection with the discussion.**

26       **“(6) The Bureau of Labor and Industries may adopt rules to imple-**  
27 **ment and enforce this section.**

28       **“SECTION 4. (1) As used in this section and section 2 of this 2025**  
29 **Act, ‘advisory opinion’ means written guidance:**

30       **“(a) On the interpretation or application of a provision of law over**

1 which the Bureau of Labor and Industries has enforcement authority  
2 to an actual or hypothetical circumstance.

3 “(b) Concerning topics over which the bureau has enforcement au-  
4 thority and that the Employer Assistance Division of the Bureau of  
5 Labor and Industries determines may be beneficial to employers, em-  
6 ployees and members of the public.

7 “(2) The division may, upon the request of any person, or in its own  
8 discretion, issue and publish, on a publicly accessible website operated  
9 by the bureau, written advisory opinions. Advisory opinions issued  
10 by the division under this section must be published on the bureau’s  
11 website as soon as is practicable following the issuance of the opinion.

12 “(3) Advisory opinions issued and made publicly available under this  
13 section, and any related communications that occur after the em-  
14 ployer has requested the advisory opinion, are:

15 “(a) Not confidential;

16 “(b) Subject to disclosure under ORS 192.311 to 192.478; and

17 “(c) Admissible as evidence in any subsequent adjudicatory pro-  
18 ceeding conducted by the bureau.

19 “(4) Unless an advisory opinion is revised or revoked, an adminis-  
20 trative law judge of the bureau shall consider whether an action that  
21 may be subject to penalty was taken in good faith reliance on an ad-  
22 visory opinion issued under this section.

## 23 24 “MISCELLANEOUS PROVISIONS

25  
26 “SECTION 5. (1) Notwithstanding any provision of law governing  
27 the confidentiality or disclosure of information, the Bureau of Labor  
28 and Industries may enter into an interagency agreement with a state  
29 agency to receive from the state agency a business name, address,  
30 electronic mail address, telephone number or state-generated common

1 identification number or the nature of a business or type of entity  
2 conducting the business.

3 “(2) Public records or information described in subsection (1) of this  
4 section remain exempt from disclosure under ORS 192.311 to 192.478 if  
5 the records or information are furnished to the bureau in connection  
6 with the performance of duties under an interagency agreement by the  
7 state agency that originally compiled, prepared or received the records  
8 or information and if the considerations originally giving rise to the  
9 confidential or exempt nature of the public records or information  
10 remain applicable.

11 “(3) As used in this section, ‘state agency’ has the meaning given  
12 that term in ORS 190.255.

13 **“SECTION 6.** ORS 659A.840 is amended to read:

14 “659A.840. (1) The Commissioner of the Bureau of Labor and Industries  
15 and any respondent named in a complaint may enter into a settlement at any  
16 time after the filing of a complaint[. *Upon issuing a finding of substantial*  
17 *evidence under ORS 659A.835,*] **and** the commissioner may take immediate  
18 steps to settle the matter through conference, **mediation**, conciliation [*and*  
19 *persuasion*], **persuasion or other alternative dispute resolution pro-**  
20 **cesses**, to eliminate the effects of the unlawful practice and to otherwise  
21 carry out the purposes of this chapter.

22 “(2) The terms of any settlement agreement entered into under this  
23 chapter must be contained in a written settlement agreement signed by the  
24 complainant, the respondent and a representative of the commissioner. Such  
25 agreement may include any or all terms and conditions that may be included  
26 in a cease and desist order issued by the commissioner after a hearing under  
27 ORS 659A.850.

28 “(3) A complainant may file a complaint with the commissioner at any  
29 time after a settlement agreement has been entered into under this chapter  
30 to seek enforcement of the terms of the agreement. A complaint under this

1 subsection must be filed within one year after the act or omission alleged  
2 to be a violation of the terms of the agreement. The commissioner shall in-  
3 vestigate and resolve the complaint in the same manner as provided in this  
4 chapter for a complaint filed under ORS 659A.820.

5 “(4) In addition to the remedy provided under subsection (3) of this sec-  
6 tion, a complainant may seek to enforce a settlement agreement entered into  
7 under this chapter by writ of mandamus or a civil action seeking injunctive  
8 relief or specific performance of the agreement.

9 “(5) The commissioner shall enter an order based on the terms of a  
10 settlement agreement that is signed by a representative of the commissioner  
11 and that is entered into after the issuance of formal charges under ORS  
12 659A.845. In addition to enforcement in the manner provided by subsection  
13 (3) or (4) of this section, the order may be recorded in the County Clerk Lien  
14 Record in the manner provided by ORS 205.125 and enforced in the manner  
15 provided by ORS 205.126.

16 “(6) Nothing said or done in the course of settlement discussions con-  
17 cerning a complaint alleging an unlawful practice under ORS 659A.145 or  
18 659A.421 or discrimination under federal housing law may be disclosed in any  
19 manner, including but not limited to disclosure under ORS 192.311 to 192.478,  
20 or be used as evidence in a subsequent proceeding under this chapter or  
21 under federal housing law, without the written consent of the persons con-  
22 cerned.

23 **“(7) All communications, oral or written, made during the course**  
24 **of or in connection with settlement discussions held through the**  
25 **bureau’s alternative dispute resolution process under this section are**  
26 **confidential, are not subject to disclosure under ORS 192.311 to 192.478**  
27 **and may not be disclosed or admitted as evidence in subsequent**  
28 **adjudicatory proceedings except as allowed under ORS 36.222.**

29 **“(8) A settlement agreement and the order based on the terms of**  
30 **the settlement agreement:**

1       “(a) Are not subject to the provisions of subsection (6) or (7) of this  
2 section;

3       “(b) Are subject to public disclosure under ORS 192.311 to 192.478;  
4 and

5       “(c) May be admitted into evidence in any proceeding.

6       “SECTION 7. (1) The Commissioner of the Bureau of Labor and  
7 Industries may enter into a settlement with respect to any violation  
8 of a provision of law over which the Bureau of Labor and Industries  
9 has jurisdiction. The commissioner may take steps to settle the matter  
10 through conference, mediation, conciliation, persuasion or other al-  
11 ternative dispute resolution processes, to otherwise carry out the du-  
12 ties of the commissioner.

13       “(2) The terms of any settlement entered into under this section  
14 must be contained in a written settlement agreement. The settlement  
15 agreement may include any or all terms and conditions that may be  
16 included in a final order issued by the commissioner.

17       “(3) A party to a settlement agreement entered into under this  
18 section may seek to enforce the agreement by writ of mandamus or a  
19 civil action seeking injunctive relief or specific performance of the  
20 agreement.

21       “(4) The commissioner shall enter an order based on the terms of  
22 a settlement agreement that is signed by a representative of the  
23 commissioner. In addition to enforcement in the manner provided by  
24 subsection (3) of this section, the order may be recorded in the County  
25 Clerk Lien Record in the manner provided by ORS 205.125 and enforced  
26 in the manner provided by ORS 205.126.

27       “(5) All communications, oral or written, made during the course  
28 of or in connection with settlement discussions held through the  
29 bureau’s alternative dispute resolution process under this section are  
30 confidential, are not subject to disclosure under ORS 192.311 to 192.478

1 and may not be disclosed or admitted as evidence in subsequent  
2 adjudicatory proceedings except as allowed under ORS 36.222. A  
3 settlement agreement and the order based on the terms of the settle-  
4 ment agreement:

5 “(a) Are not subject to the provisions of this subsection;

6 “(b) Are subject to public disclosure under ORS 192.311 to 192.478;  
7 and

8 “(c) May be admitted into evidence in any proceeding.

9 “(6) This section does not apply to complaints filed under ORS  
10 659A.820 or 659A.825.

11 **“SECTION 8.** ORS 659A.003 is amended to read:

12 “659A.003. The purpose of this chapter is to encourage the fullest utili-  
13 zation of the available workforce by removing arbitrary standards of race,  
14 color, religion, sex, sexual orientation, gender identity, national origin,  
15 marital status, age or disability as a barrier to employment of the inhabit-  
16 ants of this state, and to ensure the human dignity of all people within this  
17 state and protect their health, safety and morals from the consequences of  
18 intergroup hostility, tensions and practices of unlawful discrimination of any  
19 kind based on race, color, religion, sex, sexual orientation, gender identity,  
20 national origin, marital status, age, disability or familial status. To accom-  
21 plish this purpose, the Legislative Assembly intends by this chapter to pro-  
22 vide:

23 “(1) A program of public education calculated to eliminate attitudes upon  
24 which practices of unlawful discrimination because of race, color, religion,  
25 sex, sexual orientation, gender identity, national origin, marital status, age,  
26 disability or familial status are based.

27 “(2) An adequate remedy for persons aggrieved by certain acts of unlawful  
28 discrimination because of race, color, religion, sex, sexual orientation, gender  
29 identity, national origin, marital status, disability or familial status, or un-  
30 reasonable acts of discrimination in employment based upon age.



1 “(3) An adequate administrative machinery for the orderly resolution of  
2 complaints of unlawful discrimination through a procedure involving  
3 investigation[,] **and** conference, **mediation**, conciliation [*and persuasion*],  
4 **persuasion or other alternative dispute resolution processes**, to en-  
5 courage the use in good faith of the machinery by all parties to a complaint  
6 of unlawful discrimination and to discourage unilateral action that makes  
7 moot the outcome of final administrative or judicial determination on the  
8 merits of the complaint.

9 “**SECTION 9.** ORS 659A.845 is amended to read:

10 “659A.845. (1) If the Commissioner of the Bureau of Labor and Industries  
11 issues a finding of substantial evidence under ORS 659A.835 and the matter  
12 cannot be settled through conference, **mediation**, conciliation [*and persua-*  
13 *sion*], **persuasion or other alternative dispute resolution processes**, or  
14 if the commissioner determines that the interest of justice requires that a  
15 hearing be held without first seeking settlement, the commissioner shall  
16 prepare formal charges. Formal charges must contain all information re-  
17 quired for a notice under ORS 183.415 and must specify the allegations of the  
18 complaint to which the respondent will be required to make response. Formal  
19 charges shall also set the time and place for hearing the formal charges.

20 “(2)(a) The commissioner shall serve the formal charges on all respond-  
21 ents found to have engaged in the unlawful practice.

22 “(b) If the formal charges allege a violation of ORS 659A.145 or 659A.421  
23 or discrimination under federal housing law, the commissioner shall serve  
24 on the named respondents and complainants the formal charges and a notice  
25 of the right of the respondents and complainants under ORS 659A.870 to opt  
26 for a court trial instead of a hearing under ORS 659A.850.

27 “(3) The commissioner may not prepare formal charges alleging an un-  
28 lawful practice under ORS 659A.145 or 659A.421 or discrimination under  
29 federal housing law after trial has begun in a civil action that the  
30 complainant commenced under state or federal law and that seeks relief with

1 respect to that unlawful or discriminatory practice.

2 **“SECTION 10.** ORS 659A.850 is amended to read:

3 “659A.850. (1)(a) All proceedings before the Commissioner of the Bureau  
4 of Labor and Industries under this section shall be conducted as contested  
5 case proceedings under the provisions of ORS chapter 183. Except as pro-  
6 vided in paragraph (b) of this subsection, the commissioner may appoint a  
7 special tribunal or hearing officer to hear the matter. The commissioner may  
8 affirm, reverse, modify or supplement the determinations, conclusions or or-  
9 der of any special tribunal or hearing officer appointed under this sub-  
10 section. The scheduling of a hearing under this section does not affect the  
11 ability of the commissioner and any respondent to thereafter settle the mat-  
12 ters alleged in the complaint through conference, **mediation**, conciliation  
13 [*and persuasion*], **persuasion or other alternative dispute resolution**  
14 **processes.**

15 “(b) In a proceeding under this section alleging an unlawful practice un-  
16 der ORS 659A.145 or 659A.421 or discrimination under federal housing law:

17 “(A) Only an employee of the Bureau of Labor and Industries may be a  
18 member of a special tribunal or a hearing officer appointed to hear the  
19 matter.

20 “(B) An aggrieved person may intervene as a party in the proceeding. The  
21 commissioner may award prevailing party costs and reasonable attorney fees  
22 to a person who intervenes.

23 “(2) After considering all the evidence, the commissioner shall cause to  
24 be issued findings of facts and conclusions of law.

25 “(3) The commissioner shall issue an order dismissing the formal charges  
26 against any respondent not found to have engaged in any unlawful practice  
27 alleged in the complaint.

28 “(4) After a hearing under this section, the commissioner shall issue an  
29 appropriate cease and desist order against any respondent found to have en-  
30 gaged in any unlawful practice alleged in the complaint. The order must be

1 signed by the commissioner and must take into account the need to supervise  
2 compliance with the terms of order. The order may require that the re-  
3 spondent:

4 “(a) Perform an act or series of acts designated in the order that are  
5 reasonably calculated to:

6 “(A) Carry out the purposes of this chapter;

7 “(B) Eliminate the effects of the unlawful practice that the respondent is  
8 found to have engaged in, including but not limited to paying an award of  
9 actual damages suffered by the complainant and complying with injunctive  
10 or other equitable relief; and

11 “(C) Protect the rights of the complainant and other persons similarly  
12 situated;

13 “(b) Submit reports to the commissioner on the manner of compliance  
14 with other terms and conditions specified in the commissioner’s order, and  
15 take other action as may be required to ensure compliance with the  
16 commissioner’s order; and

17 “(c) Refrain from any action specified in the order that would jeopardize  
18 the rights of the complainant or other persons similarly situated, or that  
19 would otherwise frustrate the purposes of this chapter.

20 “(5) A cease and desist order issued under subsection (4) of this section  
21 may be recorded in the County Clerk Lien Record in the manner provided  
22 by ORS 205.125 and enforced in the manner provided by ORS 205.126. In ad-  
23 dition to enforcement under ORS 205.126, the order may be enforced by writ  
24 of mandamus or a civil action to compel specific performance of the order.

25 “(6) The commissioner may charge a respondent on a cease and desist  
26 order the actual collection fees charged to the bureau by any other govern-  
27 mental agency or any private collection agency assisting in the collection  
28 of the judgment.

29 **“SECTION 11. The unit captions used in this 2025 Act are provided**  
30 **only for the convenience of the reader and do not become part of the**

1 statutory law of this state or express any legislative intent in the  
2 enactment of this 2025 Act.

3 **“SECTION 12.** This 2025 Act takes effect on the 91st day after the  
4 date on which the 2025 regular session of the Eighty-third Legislative  
5 Assembly adjourns sine die.”.

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