

HB 2548-2
(LC 2697)
3/11/25 (JAS/ps)

Requested by Representative VALDERRAMA

**PROPOSED AMENDMENTS TO
HOUSE BILL 2548**

On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; amending ORS 659A.885;”.

Delete lines 4 through 20 and delete pages 2 through 7 and insert:

“DEFINITIONS

“SECTION 1. Definitions. As used in sections 1 to 14 of this 2025 Act:

“(1) ‘Agricultural worker’ means an individual who performs services in agriculture for an employer in exchange for an agreed remuneration or rate of pay.

“(2) ‘Agriculture’ has the meaning given that term in ORS 653.271, including the planting, pruning and harvesting of Christmas trees.

“(3) ‘Christmas tree’ has the meaning given that term in ORS 571.505.

“(4) ‘Employer’ has the meaning given that term in ORS 653.010.

“(5) ‘Farm labor contractor’ has the meaning given that term in ORS 658.405.

“(6) ‘Worker organization’ means an organization that provides services to low-wage and immigrant workers, including agricultural workers.

1 **“AGRICULTURAL WORKFORCE LABOR STANDARDS BOARD**

2
3 **“SECTION 2. Establishment; members; term; vacancies. (1) There**
4 **is established within the Bureau of Labor and Industries the Agricul-**
5 **tural Workforce Labor Standards Board, the purpose of which is to**
6 **establish minimum standards for the working conditions of agricul-**
7 **tural workers, including but not limited to compensation, work**
8 **schedules and other working conditions that are necessary to protect**
9 **the health and welfare of such workers.**

10 **“(2) The board shall consist of 11 members, appointed by the Com-**
11 **missioner of the Bureau of Labor and Industries as follows:**

12 **“(a) Two members who are employers of agricultural workers.**

13 **“(b) One member who is from an organization that represents the**
14 **interests of employers of agricultural workers.**

15 **“(c) Two members who are agricultural workers.**

16 **“(d) One member who is from an organization that represents the**
17 **interests of agricultural workers.**

18 **“(e) One member who is a representative of the division within the**
19 **Bureau of Labor and Industries that is responsible for enforcing civil**
20 **rights and wage and hour laws in the agricultural sectors.**

21 **“(f) Two members who are representatives of the Occupational**
22 **Health and Safety Division of the Department of Consumer and Busi-**
23 **ness Services.**

24 **“(g) One member who is a representative of the State Department**
25 **of Agriculture.**

26 **“(h) One member of the public with legal knowledge and expertise**
27 **in the laws and regulations that govern agriculture.**

28 **“(3) The term of a member of the board is four years. A member**
29 **is eligible for reappointment but may not serve for more than two full**
30 **terms.**

1 “(4) Before the expiration of a term of a member, the commissioner
2 shall appoint a successor whose term begins on January 1 next fol-
3 lowing. If a vacancy occurs for any reason before the expiration of the
4 term of a member, the commissioner shall make an appointment to
5 fill the vacancy, in the same manner as an appointment to a full term,
6 to become immediately effective for the unexpired term.

7 “(5) The members of the board shall elect from among themselves
8 a chairperson who shall preside over meetings and a vice chairperson
9 who shall exercise the functions of the chairperson during any absence
10 of the chairperson.

11 “(6) The commissioner shall appoint an executive director for the
12 board who is responsible for the performance of duties assigned by the
13 board. The executive director may employ appropriate staff to carry
14 out the duties assigned by the board.

15 “SECTION 3. Compensation; meetings. (1) Members of the Agricul-
16 tural Workforce Labor Standards Board shall receive such compen-
17 sation as the board determines is necessary, but at a minimum, shall
18 be reimbursed on a per diem basis in an amount that is not less than
19 \$151 for the expenses the members incur in the exercise of board du-
20 ties.

21 “(2) The board shall adopt rules for conducting meetings and any
22 other rules as necessary for carrying out the duties of the board.

23 “(3) A majority of voting members of the board constitutes a quo-
24 rum for the transaction of business.

25 “(4) An affirmative vote by the majority of voting members of the
26 board is necessary for the board to take any action.

27 “(5) All meetings of the board shall:

28 “(a) Be held as public meetings in accordance with ORS 192.610 to
29 192.705.

30 “(b) Be held at least once per month at locations rotating

1 throughout this state to ensure that local considerations of each ag-
2 ricultural area of this state inform the decisions of the board regard-
3 ing minimum standards for the working conditions of agricultural
4 workers.

5 “(c) Encourage wider participation of agricultural workers in the
6 meetings by providing accessibility and accommodations that include,
7 but are not limited to:

8 “(A) Closed captioning.

9 “(B) Breaks during meetings.

10 “(C) Sign language interpretation.

11 “(D) Large-print or Braille documents.

12 “(E) Translated written materials.

13 “(F) Language interpretation.

14 “(G) Extra time to review meeting materials.

15
16 **“DUTIES OF THE BOARD**

17
18 **“SECTION 4. Minimum workforce standards. (1) The Agricultural**
19 **Workforce Labor Standards Board shall establish recommended mini-**
20 **imum standards for agricultural workers that are designed to ensure**
21 **the health and welfare of such workers. In establishing recommended**
22 **standards, the board shall consult with the Bureau of Labor and In-**
23 **dustries, the Department of Consumer and Business Services, the**
24 **State Department of Agriculture and any other relevant state agency.**
25 **The board may not establish recommended standards:**

26 “(a) That are less protective of or beneficial to agricultural workers
27 than any other applicable statute or rule or any standard previously
28 established by the board.

29 “(b) Regarding overtime compensation requirements for agricul-
30 tural workers under ORS 653.272, including the maximum allowable

1 hour thresholds, the criteria for which agricultural workers are sub-
2 ject to the overtime compensation requirements and the rate at which
3 overtime compensation must be paid.

4 “(c) That provide for the provision of paid benefits.

5 “(2) At a minimum, the standards must:

6 “(a) Set compensation rates for paying agricultural workers, pro-
7 vided that the rates are not less than the greater of the following, as
8 applicable:

9 “(A) The minimum wage rate established under ORS 653.025.

10 “(B) The minimum wage rate established by the United States De-
11 partment of Labor for agricultural workers employed under a tempo-
12 rary or seasonal agricultural worker visa program.

13 “(b) Set compensation rates for agricultural workers who perform
14 agricultural labor on a piece-rate basis, taking into account the ge-
15 ographic area where the labor is performed, the type of labor per-
16 formed and the potential need for cost of living adjustments.

17 “(c) Establish requirements for working conditions such as rest
18 breaks, work schedules and working hours, excluding working condi-
19 tions that apply to overtime compensation for agricultural workers
20 under ORS 653.272.

21 “(d) Require the provision of training for agricultural workers that
22 is:

23 “(A) In accordance with the training described under section 5 of
24 this 2025 Act; and

25 “(B) Made available to agricultural workers during working hours
26 without the loss of time or pay.

27 “(e) Establish workplace health and safety requirements specific to
28 agricultural workers that address the particular concerns of agricul-
29 tural workers that are in addition to and no less protective than ap-
30 plicable health and safety requirements prescribed by the Oregon Safe

Employment Act.

“(f) Create disciplinary standards that require that termination of an agricultural worker’s employment shall be done for cause in accordance with the standard specified in section 10 of this 2025 Act.

“(3) Before establishing minimum standards under this section, the board shall:

“(a) Evaluate and consider the following information to ensure that the standards adopted by the board meet or exceed prevailing market conditions:

“(A) Labor market data, including but not limited to:

“(i) Wage levels and benefit data from comparable occupations and industries within different geographic regions in this state;

“(ii) Workplace policies concerning working conditions in relation to:

“(I) Workforce needs based on farm size;

“(II) Seasonal versus year-round work;

“(III) Different types of farm products; and

“(IV) The role of farm labor contractors;

“(iii) Collective bargaining agreements applicable to workers in comparable occupations and industries within different geographic regions in this state; and

“(iv) Existing state and local minimum standards for agricultural workers;

“(B) Health and safety data in the agricultural sector;

“(C) Testimony from current and former agricultural workers, worker organizations, employers and other interested stakeholders;

“(D) Data submitted by or obtained from state and local government entities; and

“(E) Any other information the board deems relevant and reflective of trends concerning the working conditions of agricultural workers.

1 “(b) Hold at least one public hearing at which members of the
2 public, including agricultural workers, shall have the opportunity to
3 provide input on any matter relating to the minimum standards being
4 considered by the board.

5 “SECTION 5. Uniform training standards; training certification. (1)
6 In addition to the duties provided under section 4 of this 2025 Act, the
7 Agricultural Workforce Labor Standards Board shall establish recom-
8 mended uniform standards for providing training for agricultural
9 workers, supervisory employees and nonsupervisory employees who
10 are not agricultural workers. At a minimum, the standards must in-
11 clude a training curriculum that provides the following information
12 to agricultural workers, supervisory employees and nonsupervisory
13 employees:

14 “(a) Any applicable minimum standards of the board adopted by the
15 Bureau of Labor and Industries or the Department of Consumer and
16 Business Services pursuant to a petition filed under section 6 of this
17 2025 Act.

18 “(b) The rights and remedies afforded to agricultural workers under
19 sections 1 to 14 of this 2025 Act, including the right to be protected
20 against retaliation.

21 “(c) A description of the duties and obligations of the board under
22 sections 1 to 14 of this 2025 Act.

23 “(d) The contact information of each state agency with enforcement
24 authority over subjects over which the board has established minimum
25 standards.

26 “(e) Any other information that the board deems appropriate and
27 necessary to facilitate compliance with the rules adopted by the Bu-
28 reau of Labor and Industries or the Department of Consumer and
29 Business Services, where applicable, pertaining to the minimum stan-
30 dards established by the board under section 4 of this 2025 Act.

1 “(2) Employers shall ensure that the training described under this
2 section is provided:

3 “(a) To agricultural workers, supervisory employees and non-
4 supervisory employees on an annual basis.

5 “(b) To new hires, before the new hire’s start date.

6 “(c) In a language that the employer typically uses to communicate
7 with the agricultural workers, supervisory employees and nonsupervi-
8 sory employees.

9 “(3) The Bureau of Labor and Industries shall establish a process
10 for a worker organization to become certified to provide the training
11 described under this section to agricultural workers. At a minimum,
12 the certification process established by rule must provide:

13 “(a) The criteria that a worker organization must meet to become
14 certified.

15 “(b) Application procedures by which a worker organization may
16 apply to become certified.

17 “(c) Policies and procedures for renewing, terminating or revoking
18 a certification.

19 “(d) Requirements for translation and accessibility services to be
20 made available to agricultural workers who attend a training provided
21 by a worker organization that has been certified to provide training.

22 “(4) The board shall hold at least one public hearing for public input
23 and deliberation before establishing uniform training standards under
24 this section.

25 “(5) An employer shall keep and maintain records necessary to
26 demonstrate compliance with this section. An employer must provide
27 records kept and maintained under this section to the Bureau of Labor
28 and Industries upon request.

29 “(6) The Bureau of Labor and Industries may adopt any rules nec-
30 essary to implement the provisions of this section.

1 **“SECTION 6. Petition for rulemaking.** (1) Subject to subsection (2)
2 of this section, whenever the Agricultural Workforce Labor Standards
3 Board establishes a recommended minimum standard under section 4
4 of this 2025 Act, the board shall petition the Bureau of Labor and In-
5 dustries requesting the bureau to promulgate, amend or repeal rules
6 necessary to implement the recommended minimum standards.

7 **“(2) Whenever the board establishes a recommended minimum**
8 **standard under section 4 of this 2025 Act that concerns the health and**
9 **safety standards of agricultural workers that fall within the jurisdic-**
10 **tion of the Department of Consumer and Business Services, the board**
11 **shall petition the Occupational Health and Safety Division of the de-**
12 **partment requesting the division to promulgate, amend or repeal rules**
13 **necessary to implement the recommended minimum standards.**

14 **“(3) A petition to the Bureau of Labor and Industries or the De-**
15 **partment of Consumer and Business Services under this section shall**
16 **be reviewed in accordance with the provisions of ORS 183.390.**

17 **“(4) The Bureau of Labor and Industries and the Department of**
18 **Consumer and Business Services, respectively, shall adopt rules im-**
19 **plementing the minimum standards established by the board unless**
20 **the bureau or the division determines that a standard:**

21 **“(a) Is outside the statutory authority of the bureau or the division;**

22 **“(b) Presents enforceability challenges;**

23 **“(c) Is infeasible to implement; or**

24 **“(d) Is otherwise unlawful.**

25 **“SECTION 7. Comprehensive review.** (1) At least once every two
26 years, the Agricultural Workforce Labor Standards Board shall con-
27 duct a comprehensive review of the minimum standards previously
28 established by the board under section 4 of this 2025 Act to determine
29 whether the standards have continuing applicability or whether the
30 board should establish new standards or revise the existing standards.

1 “(2) As part of the review, the board shall consider the information
2 described under section 4 (3)(a) of this 2025 Act.

3 “SECTION 8. Reporting. No later than December 1 of each year, the
4 Agricultural Workforce Labor Standards Board shall prepare and
5 submit a report in the manner provided in ORS 192.245 to the interim
6 committees of the Legislative Assembly related to business and labor
7 on the board’s activities and any recommendations for changes. The
8 report must include, at a minimum:

9 “(1) A statement of findings and conclusions of the comprehensive
10 review required under section 7 of this 2025 Act, including recommen-
11 dations for statutory changes.

12 “(2) A copy of financial statements showing aggregate data regard-
13 ing compensation paid to agricultural workers.

14 “(3) A description of the public hearing process used to inform the
15 minimum standards established by the board under section 4 of this
16 2025 Act.

17 “(4) A description of the current minimum standards established
18 by the board and recommended changes to the standards, along with
19 any supporting documentation for the proposed changes.

20 “(5) The number and types of complaints or civil actions filed al-
21 leging a violation of any rule adopted by the Bureau of Labor and In-
22 dustries pertaining to the minimum standards established under
23 section 4 of this 2025 Act, if any.

24 “(6) A summary of all other actions taken during the prior year in
25 the performance of the board’s statutory responsibilities that is ade-
26 quate to allow evaluation of the board’s performance.

27
28 **“WORKER PROTECTIONS**

29
30 “SECTION 9. Retaliation prohibited. (1) An employer may not ter-

1 minate, discipline, penalize, retaliate against or take any other adverse
2 action against an agricultural worker because the worker has:

3 “(a) Inquired about or exercised any right afforded to an agricul-
4 tural worker under sections 1 to 14 of this 2025 Act or under any rule
5 adopted by the Bureau of Labor and Industries or the Occupational
6 Health and Safety Division of the Department of Consumer and Busi-
7 ness Services pertaining to minimum standards established by the
8 Agricultural Workforce Labor Standards Board under section 4 of this
9 2025 Act.

10 “(b) Participated in any process or proceeding under or related to
11 sections 1 to 14 of this 2025 Act, or has testified or is about to testify
12 in any such proceeding.

13 “(c) Participated in any training provided by a certified worker or-
14 ganization pursuant to section 5 of this 2025 Act.

15 “(2) A violation of this section is an unlawful practice under ORS
16 chapter 659A. An agricultural worker alleging a violation of this sec-
17 tion may file a complaint under ORS 659A.820 with the Commissioner
18 of the Bureau of Labor and Industries. The complaint must be filed
19 within one year of the occurrence of the conduct giving rise to the
20 complaint.

21 “SECTION 10. For cause termination. (1) As used in this section,
22 ‘progressive discipline system’ means a disciplinary system under
23 which:

24 “(a) Disciplinary measures involve graduated and reasonable re-
25 sponses to an agricultural worker’s failure to satisfactorily perform
26 job duties or comply with an employer’s rules or policies.

27 “(b) Disciplinary measures are proportional to the misconduct or
28 failure to meet the employer’s performance expectations.

29 “(c) The severity of the discipline may increase for repeated mis-
30 conduct.

1 “(2) Except as provided in subsection (3) of this section, an em-
2 ployer may not terminate the employment of an agricultural worker
3 unless the worker is terminated for cause. For purposes of this sec-
4 tion:

5 “(a) An employer terminates an agricultural worker for cause only
6 if all of the following conditions are satisfied:

7 “(A) The employer has informed the agricultural worker, in the
8 language most typically used to communicate with the worker, of the
9 employer’s policies or rules and performance expectations.

10 “(B) Compliance with the employer’s policies, rules or performance
11 expectations is within the agricultural worker’s control.

12 “(C) The employer’s policies or rules regarding performance expec-
13 tations are reasonable and applied consistently.

14 “(D) The employer undertakes a fair and objective investigation of
15 the agricultural worker’s job performance or misconduct.

16 “(E) The employer corrects an agricultural worker’s conduct or job
17 performance using a progressive discipline system.

18 “(F) Prior to imposing any disciplinary measure, the employer has
19 notified the agricultural worker of the infraction and provided the
20 agricultural worker with an opportunity to respond to any allegation
21 of misconduct or performance shortcoming, including an opportunity
22 to provide evidence or explanation in defense of the agricultural
23 worker.

24 “(G) Subject to subsection (3) of this section, the employer has
25 given the agricultural worker a reasonable chance to improve or cor-
26 rect the conduct or performance that led to the disciplinary measure.

27 “(H) The employer has documented each infraction that gave rise
28 to a disciplinary measure, including any evidence or explanation that
29 the agricultural worker has provided in the worker’s defense and any
30 action taken by the agricultural worker to correct the conduct or

1 performance, and provided such documentation to the agricultural
2 worker, in the language most typically used to communicate with the
3 worker, within one week of imposing the disciplinary measure.

4 “(b) The employer has the burden of establishing that any termi-
5 nation for cause meets the conditions set forth in paragraph (a) of this
6 subsection.

7 “(3) An employer may terminate an agricultural worker without
8 cause if the termination is due to:

9 “(a) A bona fide economic layoff that is:

10 “(A) Supported by legitimate and verifiable economic reasons doc-
11 umented in the employer’s records; and

12 “(B) Made in the reverse order of seniority within job classifica-
13 tions.

14 “(b) The expiration of a designated period of temporary or seasonal
15 agricultural work.

16 “(c) Egregious misconduct on the part of an agricultural worker
17 that involves intentional or reckless illegal activity that poses a risk
18 of imminent danger to the physical safety of others or activity that a
19 reasonable person would consider to be so outrageous as to warrant
20 immediate termination.

21 “(4) It is an unlawful practice under ORS chapter 659A for an em-
22 ployer to terminate, discipline, penalize, retaliate against or take any
23 other adverse action against an agricultural worker because the
24 worker has:

25 “(a) Opposed any practice prohibited by this section.

26 “(b) Initiated a complaint or civil action alleging a violation of this
27 section.

28 “(5) An agricultural worker claiming to be aggrieved by an alleged
29 violation of this section may file a complaint with the Commissioner
30 of the Bureau of Labor and Industries in the manner provided by ORS

1 **659A.820 or bring a civil action under ORS 659A.885.**

2 **“(6) For purposes of determining liability under this section, if a**
3 **farm labor contractor recruits, solicits, supplies or employs agricul-**
4 **tural workers to perform work in agriculture for an employer of agri-**
5 **cultural workers, the farm labor contractor shall be jointly and**
6 **severally liable with the employer for the acts committed in violation**
7 **of this section.**

8 **“SECTION 11. Limits. Nothing in sections 1 to 14 of this 2025 Act**
9 **is intended to:**

10 **“(1) Limit the rights of any parties to a collective bargaining**
11 **agreement.**

12 **“(2) Diminish the rights or remedies that are otherwise available**
13 **to an agricultural worker under federal or state law or regulation,**
14 **including the right to file a wage claim under ORS 652.310 to 652.414.**

15
16 **“ENFORCEMENT**
17

18 **“SECTION 12. Remedies. (1) An agricultural worker asserting a vi-**
19 **olation of a rule of the Bureau of Labor and Industries pertaining to**
20 **a minimum standard established by the Agricultural Workforce Labor**
21 **Standards Board under section 4 of this 2025 Act may file a complaint**
22 **with the Commissioner of the Bureau of Labor and Industries under**
23 **ORS 659A.820 or a civil action as provided in ORS 659A.885.**

24 **“(2) The Department of Consumer and Business Services has the**
25 **same enforcement powers with respect to a violation of a rule adopted**
26 **by the Occupational Health and Safety Division of the department**
27 **pertaining to board’s minimum standards regarding safety and health**
28 **standards for agricultural workers as provided under the Oregon Safe**
29 **Employment Act.**

30 **“SECTION 13. Investigative authority. Pursuant to the authority**

1 granted to the Commissioner of the Bureau of Labor and Industries
2 under ORS 651.060, in order to determine any facts relevant to matters
3 concerning implementation of and compliance with the minimum
4 standards established by the Agricultural Workforce Labor Standards
5 Board under section 4 of this 2025 Act, the Bureau of Labor and In-
6 dustries may conduct investigations, issue subpoenas to compel the
7 testimony of any party or witness and require the production of doc-
8 uments, including any book, record, document, certificate, writing,
9 article and other information relevant to such matters.

10
11 **“MISCELLANEOUS**

12
13 **“SECTION 14. Budget requests. The Bureau of Labor and Industries**
14 **and the Department of Consumer and Business Services shall request**
15 **any budgetary authority necessary to carry out the duties and powers**
16 **of the bureau under sections 5, 6, 9, 10, 12 and 13 of this 2025 Act, and**
17 **of the department under sections 6 and 12 of this 2025 Act, including**
18 **implementation of a rule pertaining to a minimum standard of the**
19 **board, in the agency request budgets submitted under ORS 291.208 and**
20 **may submit such requests to the Emergency Board.**

21 **“SECTION 15.** ORS 659A.885, as amended by section 58, chapter 700,
22 Oregon Laws 2019, section 46, chapter 367, Oregon Laws 2021, section 9,
23 chapter 99, Oregon Laws 2022, and section 49, chapter 9, Oregon Laws 2023,
24 is amended to read:

25 “659A.885. (1) Any person claiming to be aggrieved by an unlawful prac-
26 tice specified in subsection (2) of this section may file a civil action in cir-
27 cuit court. In any action under this subsection, the court may order
28 injunctive relief and any other equitable relief that may be appropriate, in-
29 cluding but not limited to reinstatement or the hiring of employees with or
30 without back pay. A court may order back pay in an action under this sub-

1 section only for the two-year period immediately preceding the filing of a
2 complaint under ORS 659A.820 with the Commissioner of the Bureau of La-
3 bor and Industries, or if a complaint was not filed before the action was
4 commenced, the two-year period immediately preceding the filing of the
5 action. In any action under this subsection, the court may allow the pre-
6 vailing party costs and reasonable attorney fees at trial and on appeal. Ex-
7 cept as provided in subsection (3) of this section:

8 “(a) The judge shall determine the facts in an action under this sub-
9 section; and

10 “(b) Upon any appeal of a judgment in an action under this subsection,
11 the appellate court shall review the judgment pursuant to the standard es-
12 tablished by ORS 19.415 (3).

13 “(2) An action may be brought under subsection (1) of this section alleg-
14 ing a violation of:

15 “(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2),
16 468B.519, 475C.285, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265,
17 653.547, 653.549, 653.601 to 653.661, 657B.060, 657B.070, 659.852, 659A.030,
18 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103
19 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203,
20 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262,
21 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318,
22 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 **or sections 4,**
23 **9 and 10 of this 2025 Act;** or

24 “(b) ORS 653.470, except an action may not be brought for a claim relating
25 to ORS 653.450.

26 “(3) In any action under subsection (1) of this section alleging a violation
27 of ORS 25.337, 25.424, 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060,
28 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082,
29 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to
30 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or

1 659A.421:

2 “(a) The court may award, in addition to the relief authorized under
3 subsection (1) of this section, compensatory damages or \$200, whichever is
4 greater, and punitive damages;

5 “(b) At the request of any party, the action shall be tried to a jury;

6 “(c) Upon appeal of any judgment finding a violation, the appellate court
7 shall review the judgment pursuant to the standard established by ORS
8 19.415 (1); and

9 “(d) Any attorney fee agreement shall be subject to approval by the court.

10 “(4) Notwithstanding ORS 31.730, in an action under subsection (1) of this
11 section alleging a violation of ORS 652.220, the court may award punitive
12 damages if:

13 “(a) It is proved by clear and convincing evidence that an employer has
14 engaged in fraud, acted with malice or acted with willful and wanton mis-
15 conduct; or

16 “(b) An employer was previously adjudicated in a proceeding under this
17 section or under ORS 659A.850 for a violation of ORS 652.220.

18 “(5) In any action under subsection (1) of this section alleging a violation
19 of ORS 653.060 or 659A.147, the court may award, in addition to the relief
20 authorized under subsection (1) of this section, compensatory damages or
21 \$200, whichever is greater.

22 “(6) In any action under subsection (1) of this section alleging a violation
23 of ORS 171.120, 476.574 or 659A.218, the court may award, in addition to the
24 relief authorized under subsection (1) of this section, compensatory damages
25 or \$250, whichever is greater.

26 “(7) In any action under subsection (1) of this section alleging a violation
27 of ORS 10.090 or 10.092, the court may award, in addition to the relief au-
28 thorized under subsection (1) of this section, a civil penalty in the amount
29 of \$720.

30 “(8) Any individual against whom any distinction, discrimination or re-

1 striction on account of race, color, religion, sex, sexual orientation, gender
2 identity, national origin, marital status or age, if the individual is 18 years
3 of age or older, has been made by any place of public accommodation, as
4 defined in ORS 659A.400, by any employee or person acting on behalf of the
5 place or by any person aiding or abetting the place or person in violation
6 of ORS 659A.406 may bring an action against the operator or manager of the
7 place, the employee or person acting on behalf of the place or the aider or
8 abettor of the place or person. Notwithstanding subsection (1) of this sec-
9 tion, in an action under this subsection:

10 “(a) The court may award, in addition to the relief authorized under
11 subsection (1) of this section, compensatory and punitive damages;

12 “(b) The operator or manager of the place of public accommodation, the
13 employee or person acting on behalf of the place, and any aider or abettor
14 shall be jointly and severally liable for all damages awarded in the action;

15 “(c) At the request of any party, the action shall be tried to a jury;

16 “(d) The court shall award reasonable attorney fees to a prevailing
17 plaintiff;

18 “(e) The court may award reasonable attorney fees and expert witness fees
19 incurred by a defendant who prevails only if the court determines that the
20 plaintiff had no objectively reasonable basis for asserting a claim or no
21 reasonable basis for appealing an adverse decision of a trial court; and

22 “(f) Upon any appeal of a judgment under this subsection, the appellate
23 court shall review the judgment pursuant to the standard established by ORS
24 19.415 (1).

25 “(9) When the commissioner or the Attorney General has reasonable cause
26 to believe that a person or group of persons is engaged in a pattern or
27 practice of resistance to the rights protected by ORS 659A.145 or 659A.421
28 or federal housing law, or that a group of persons has been denied any of the
29 rights protected by ORS 659A.145 or 659A.421 or federal housing law, the
30 commissioner or the Attorney General may file a civil action on behalf of

1 the aggrieved persons in the same manner as a person or group of persons
2 may file a civil action under this section. In a civil action filed under this
3 subsection, the court may assess against the respondent, in addition to the
4 relief authorized under subsections (1) and (3) of this section, a civil penalty:

5 “(a) In an amount not exceeding \$50,000 for a first violation; and

6 “(b) In an amount not exceeding \$100,000 for any subsequent violation.

7 “(10) In any action under subsection (1) of this section alleging a vio-
8 lation of ORS 659A.145 or 659A.421 or alleging discrimination under federal
9 housing law, when the commissioner is pursuing the action on behalf of an
10 aggrieved complainant, the court shall award reasonable attorney fees to the
11 commissioner if the commissioner prevails in the action. The court may
12 award reasonable attorney fees and expert witness fees incurred by a de-
13 fendant that prevails in the action if the court determines that the commis-
14 sioner had no objectively reasonable basis for asserting the claim or for
15 appealing an adverse decision of the trial court.

16 “(11) In an action under subsection (1) or (9) of this section alleging a
17 violation of ORS 659A.145 or 659A.421 or discrimination under federal hous-
18 ing law:

19 “(a) ‘Aggrieved person’ includes a person who believes that the person:

20 “(A) Has been injured by an unlawful practice or discriminatory housing
21 practice; or

22 “(B) Will be injured by an unlawful practice or discriminatory housing
23 practice that is about to occur.

24 “(b) An aggrieved person in regard to issues to be determined in an action
25 may intervene as of right in the action. The Attorney General may intervene
26 in the action if the Attorney General certifies that the case is of general
27 public importance. The court may allow an intervenor prevailing party costs
28 and reasonable attorney fees at trial and on appeal.

29 **“(12) In any action under subsection (1) of this section alleging a**
30 **violation of section 4 or 9 of this 2025 Act, the court may award, in**

1 addition to the relief authorized under subsection (1) of this section,
2 compensatory damages or \$1,000, whichever is greater, including
3 damages for emotional distress.

4 “(13) In an action under subsection (1) of this section alleging a vi-
5 olation of section 10 of this 2025 Act, the court may award, in addition
6 to the relief authorized under subsection (1) of this section, a civil
7 penalty in the amount of \$5,000 and compensatory damages, including
8 damages for emotional distress. The court shall award reasonable at-
9 torney fees and costs to a prevailing plaintiff.

10 **“SECTION 16.** (1) All appointments to the Agricultural Workforce
11 Labor Standards Board made under section 2 of this 2025 Act, includ-
12 ing the appointment of the executive director, must be completed by
13 January 1, 2026.

14 “(2) Notwithstanding the term of office specified by section 2 of this
15 2025 Act, of the members first appointed to the board:

16 “(a) Three members shall serve for a term ending January 1, 2027.

17 “(b) Four members shall serve for a term ending January 1, 2028.

18 “(c) Four members shall serve for a term ending January 1, 2029.

19 **“SECTION 17.** The Agricultural Workforce Labor Standards Board
20 shall establish the initial recommended minimum standards under
21 section 4 of this 2025 Act in time for the board to submit a petition to
22 the relevant agencies under section 6 of this 2025 Act no later than
23 August 1, 2028.

24 **“SECTION 18.** No later than December 15, 2029, the Agricultural
25 Workforce Labor Standards Board shall submit an initial report in the
26 manner provided in ORS 192.245 to the interim committees of the
27 Legislative Assembly related to business and labor on the board’s ac-
28 tivities. The report shall include the board’s initial recommended
29 minimum standards described under section 17 of this 2025 Act and the
30 results of a petition submitted to the Bureau of Labor and Industries

or the Department of Consumer and Business Services in accordance with the specified timeframe under section 17 of this 2025 Act.

“OPERATIVE DATES

“SECTION 19. (1) Sections 7, 9, 10 and 12 of this 2025 Act and the amendments to ORS 659A.885 by section 15 of this 2025 Act become operative on January 1, 2029.

“(2) Section 8 of this 2025 Act becomes operative on January 1, 2031.

“CAPTIONS

“SECTION 20. The unit and section captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

“EFFECTIVE DATE

“SECTION 21. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.”.