

HOUSE AMENDMENTS TO HOUSE BILL 4094

By COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT

February 18

1 On page 1 of the printed bill, delete lines 5 through 28 and delete pages 2 and 3 and insert:

2 **SECTION 1. If an employer, pursuant to an applicable employment contract or the**
3 **employer's written policy, provides for the payment of earned or accrued but unused paid**
4 **time off upon the termination of employment, the employer shall pay such compensation at**
5 **the time and in the manner required for final wages under ORS 652.140.**

6 **SECTION 2.** ORS 652.140 is amended to read:

7 652.140. (1) When an employer discharges an employee or when employment is terminated by
8 mutual agreement, all wages earned and unpaid at the time of the discharge or termination become
9 due and payable not later than the end of the first business day after the discharge or termination.

10 (2)(a) When an employee who does not have a contract for a definite period quits employment,
11 all wages earned and unpaid at the time of quitting become due and payable immediately if the
12 employee has given to the employer not less than 48 hours' notice, excluding Saturdays, Sundays
13 and holidays, of intention to quit employment.

14 (b) Except as provided in paragraph (c) of this subsection, if the employee has not given to the employer
15 the notice described in paragraph (a) of this subsection, the wages become due and payable
16 within five days, excluding Saturdays, Sundays and holidays, after the employee has quit, or at the
17 next regularly scheduled payday after the employee has quit, whichever event first occurs.

18 (c) If the employee has not given to the employer the notice described in paragraph (a) of this
19 subsection and if the employee is regularly required to submit time records to the employer to en-
20 able the employer to determine the wages due the employee, within five days after the employee has
21 quit the employer shall pay the employee the wages the employer estimates are due and payable.
22 Within five days after the employee has submitted the time records, all wages earned and unpaid
23 become due and payable.

24 (3) For the purpose of this section, if employment termination occurs on a Saturday, Sunday
25 or holiday, all wages earned and unpaid shall be paid no later than the end of the first business day
26 after the employment termination, except that if the employment is related to activities authorized
27 under ORS chapter 565, all wages earned and unpaid shall be paid no later than the end of the
28 second business day after the employment termination.

29 (4) The employer shall forward such wages by mail to any address designated by the employee
30 if the employee requests the employer so to do. An employer may deposit such wages without dis-
31 count in the employee's account in a financial institution, as defined in ORS 706.008, in this state,
32 provided the employee and the employer have agreed to such deposit.

33 (5) This section does not apply to employment for which a collective bargaining agreement
34 otherwise provides for the payment of wages upon termination of employment.

35 (6) When a termination of employment results from the sale of a business or business property

1 and the purchaser employs or continues the employment of an individual employed at the business,
2 this section does not apply to the payment to such an individual of wages for earned but unused
3 accrued holiday leave, sick leave, vacation leave or other leave benefits payable upon termination
4 of employment pursuant to a collective bargaining or other employment agreement or employer
5 policy, if the following conditions are met:

6 “(a) On the first day of such an individual’s continued employment the purchaser of the business
7 credits the individual with all such earned but unused accrued leave; and

8 “(b) The leave, when used, is paid at a rate not less than the rate at which the leave was earned
9 or, if paid at a lesser rate, the number of hours credited is increased to compensate the individual
10 for any difference.

11 **“(7) Except as provided in subsection (6) of this section, wages earned and unpaid include
12 compensation for earned or accrued but unused paid time off that is payable pursuant to an
13 employment contract or employer’s written policy, as described in section 1 of this 2026 Act.**

14 **“SECTION 3. This 2026 Act takes effect on the 91st day after the date on which the 2026
15 regular session of the Eighty-third Legislative Assembly adjourns sine die.”.**

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