

HB 4094-2
(LC 240)
2/2/26 (JAS/ps)

Requested by Representative NELSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 4094**

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

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

8 **“SECTION 2.** ORS 652.140 is amended to read:

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

13 “(2)(a) When an employee who does not have a contract for a definite
14 period quits employment, all wages earned and unpaid at the time of quitting
15 become due and payable immediately if the employee has given to the em-
16 ployer not less than 48 hours’ notice, excluding Saturdays, Sundays and
17 holidays, of intention to quit employment.

18 “(b) Except as provided in paragraph (c) of this subsection, if the em-
19 ployee has not given to the employer the notice described in paragraph (a)
20 of this subsection, the wages become due and payable within five days, ex-
21 cluding Saturdays, Sundays and holidays, after the employee has quit, or at

1 the next regularly scheduled payday after the employee has quit, whichever
2 event first occurs.

3 “(c) If the employee has not given to the employer the notice described
4 in paragraph (a) of this subsection and if the employee is regularly required
5 to submit time records to the employer to enable the employer to determine
6 the wages due the employee, within five days after the employee has quit the
7 employer shall pay the employee the wages the employer estimates are due
8 and payable. Within five days after the employee has submitted the time re-
9 cords, all wages earned and unpaid become due and payable.

10 “(3) For the purpose of this section, if employment termination occurs on
11 a Saturday, Sunday or holiday, all wages earned and unpaid shall be paid
12 no later than the end of the first business day after the employment termi-
13 nation, except that if the employment is related to activities authorized un-
14 der ORS chapter 565, all wages earned and unpaid shall be paid no later than
15 the end of the second business day after the employment termination.

16 “(4) The employer shall forward such wages by mail to any address des-
17 ignated by the employee if the employee requests the employer so to do. An
18 employer may deposit such wages without discount in the employee’s account
19 in a financial institution, as defined in ORS 706.008, in this state, provided
20 the employee and the employer have agreed to such deposit.

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

24 “(6) When a termination of employment results from the sale of a business
25 or business property and the purchaser employs or continues the employment
26 of an individual employed at the business, this section does not apply to the
27 payment to such an individual of wages for earned but unused accrued holi-
28 day leave, sick leave, vacation leave or other leave benefits payable upon
29 termination of employment pursuant to a collective bargaining or other em-
30 ployment agreement or employer policy, if the following conditions are met:

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

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

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

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