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2017 Oregon

July Newsletter

Employment Legislation Report

The Oregon Legislature is less than two weeks away from its proposed adjournment date in July. Because major budget, PERS reform, and transportation bills have just been introduced, many observers are already predicting that the session will extend, or adjourn as scheduled but return for a special session. I'm sure that some of the representatives and senators want to be out of Salem before the eclipse, but many of them are already wandering around in the dark! With the deadline looming, there is likely to be a flurry of activity to revise and amend bills that have been passed by one of the two chambers. With that in mind, we checked on the progress of some bills that, if they become law, would have substantial effects on Oregon employers.

NEW LAWS

HOUSE BILL 2005 *Pay Equity*

This bill passed the House and Senate and was signed into law by Governor Brown on June 1, 2017. It requires employers to base payroll decisions on work of "comparable character" and to refrain from discrimination in compensation (wages, salary, bonuses and benefits) on the basis of any protected class, including any group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age. The new law also prohibits employers from screening job applicants based on current or past compensation or to determine compensation for a position based on current or past compensation of a perspective employee. That provision does not preclude an employer from considering the compensation of a current employee of the employer during a transfer, move or hire of the employee to a new position with the same employer.

The new law extends existing prohibitions against discrimination between genders for comparable work to all classes of employees protected from employment discrimination under Oregon law.

Employers are permitted to pay employees for work of comparable character at different compensation levels if the difference in compensation levels is based on a bona fide factor that is related to the position and is based on: a seniority system, a merit system, a quantity or quality of production measuring system, work place locations, travel, education, training, experience, or any combination of those factors. Finally, employers are precluded from reducing the compensation level of any employee to bring other employees into pay equity with that employee.

SENATE BILL 828 *Predictive Scheduling*

Passed both House and Senate, awaiting signature by Governor.

This bill requires large employers (500 employees or more) in specified industries (e.g., retail, hospitality, food services) to provide employees with an estimated work schedule, so that they do not show up for a shift and get sent home after an hour or so. It would further require one week notice (two weeks after July, 2020) of the work schedule. This so-called "predictive scheduling" bill passed the Senate on June 20 and the House on June 29. It will be signed by the Governor shortly.