

Electronic Alert

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Oregon Legislative Update

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On Sunday, June 30, 2019, Oregon's Eightieth Legislative Assembly adjourned after quite an eventful finish. With all the new legislation passed this session, we are highlighting key employment legislation that all Oregon employers should know about.

Notification of Federal Inspection of Employment Eligibility Records ("SB 370"). SB 370 requires employers to notify employees of upcoming federal inspections of employers' records regarding employees' identity and employment eligibility. Employers must provide notice to employees within 72 hours of receiving notice of inspection from a federal agency. SB 370 was signed and went into effect on June 6, 2019.

Oregon Workplace Fairness Act ("SB 726"). The Oregon Workplace Fairness Act addresses issues surrounding workplace discrimination and harassment. Most notably, SB 726 extends the time for filing claims to five years, limits the use of nondisclosure, nondisparagement, and no-rehire provisions, and requires written anti-harassment and anti-discrimination policies. The statute of limitations change applies to events that occur on or after September 29, 2019. The restrictions on nondisclosure agreements and written policy requirements go into effect October 1, 2020. Our recent E-Alert details SB 726's impact on employer's policies and practices moving forward.

The Employer Accommodation for Pregnancy Act ("HB 2341"). HB 2341 requires Oregon employers with at least 6 employees to provide reasonable accommodations for pregnancy-related conditions. Employers must post notices informing employees of these employment protections and provide written notification about these rights to new employees at the time of hire, to existing employees by June 29, 2020, and to an employee who informs their employer that they are pregnant within 10 days. HB 2341 goes into effect January 1, 2020. More details are available here.

The Nursing Mothers Law ("HB 2593"). This updates legal requirements effective September 29, 2019, for all Oregon employers to provide employees reasonable breaks to express milk for the employee's child. Details regarding the updates to the frequency of breaks, whether breaks are paid, and what facilities must be provided to employees needing lactation breaks are available here.

Noncompetition Agreements ("HB 2992"). HB 2992 provides that noncompetition agreements entered into on or after January 1, 2020, will only be enforceable against Oregon employees if the employer provides a terminated employee with a signed, written copy of their noncompetition agreement within 30 days of their termination date. More information about HB 2992 can be found here.

The Oregon Public Workers Protection Act ("HB 2016"). HB 2016 relates to collective bargaining for public employees. It requires public employers to provide reasonable paid time off upon request

for union representatives to engage in union activities, permits a public employer to deduct union fees from an employee's pay, and makes it easier for employees to opt in to union membership. HB 2016 goes into effect January 1, 2020.

Paid Family and Medical Leave Law ("HB 2005"). HB 2005 provides workers with 12 weeks of paid leave for family or medical reasons (and in some cases, up to 14 weeks paid leave for limitations related to pregnancy). Paid leave will be funded by a benefit pool that will be administered by the State with employees contributing 60% of premiums and employers contributing 40%. Employers with fewer than 25 employees may be exempt from paying. Contributions start in 2022 and workers may begin receiving paid benefits starting 2023. More details are available in our recent E-Alert [here](#).

The Pay Equity Fix Bill ("SB 123"). SB 123 makes technical fixes to the Oregon Equal Pay Act. Most notably, SB 123 provides that, in certain circumstances, an employer is not in violation of the pay equity requirements for paying a different level of compensation to an employee with a compensable workers' compensation injury who is on modified work. Additionally, it provides that an employer may pay employees for work of comparable character at different compensation levels on the basis of bona fide factors contained in a collective bargaining agreement. SB 123 is awaiting the governor's signature and, once signed, will become effective January 1, 2020.

The Data Breach Notification Law ("SB 684"). SB 684 amends the Oregon Consumer Identity Theft Protection Act (OCITPA) effective January 1, 2020, by extending data breach notification obligations to vendors and broadening the definition of "personal information" to include usernames and passwords used to access online accounts.

Marijuana in the Workplace ("SB 379"). SB 379 did not pass. SB 379 would have prohibited employers from conditioning employment on off-duty use of any substance legal in Oregon, including marijuana.

LEARN MORE: Join us at Barran Liebman's Annual Employment, Labor, Benefits, and Higher Education Law Seminar on October 10th where we will cover a variety of employment hot topics, including what is outlined in this E-Alert. Please click [here](#) for registration details.

For questions about any of this new legislation and its impact on your workplace, contact Amy Angel at 503-276-2195 or aangel@barran.com.