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Oregon eAuthority

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New Oregon Employment Laws Passed in the 2011 Legislative Session

by [Leah C. Lively](#)

As you prepare to ring in the new year, one of your resolutions should be to update your company's employment policies. During the 2011 legislative session, Oregon legislators passed several labor and employment related laws. Employers should take note of the following bills – **all effective January 1, 2012** – and update their policies and procedures accordingly. Below is a summary of the key changes. The entire text for each bill can be found at <http://www.leg.state.or.us/>.

Summary of New Laws

HB 2036 – This law clarifies the application of statutes prohibiting unlawful discrimination against persons with disabilities to employers. It also permits the use of credit history when making employment decisions on public safety officer applicants.

HB 2039 – Employers that issue dishonored checks for payment of wages will be subject to statutory damages and reasonable attorneys' fees.

HB 2040 – This law amends several wage statutes, including clarifying what information a former employee must include in his or her written notice regarding non-payment of wages at termination. Importantly for employers, under the new law a former employee must include the estimated amount of wages or compensation allegedly owed or provide sufficient facts to estimate the amount owed. Failure to provide such information limits the penalty wages available to the former employee.

HB 2240 – This law indefinitely extends the provision that permits employees, who serve food or beverages and receive tips, to waive their meal period but prohibits employers from coercing them into waiving their meal period.

HB 2828 – Employers with 10 or more employees will be required to provide health, disability, life or other insurance during the period an employee is serving or is scheduled to serve as a juror, as long as the employee notifies the employer of his or her election to have coverage continue during this time.

HB 3034 – Employers will be prohibited from requiring an employee to use vacation leave, sick leave or annual leave for time spent on jury duty; an employee must be allowed to take unpaid leave instead.

HB 3207 – Public employers will be required to interview every veteran who applies for a civil service position or eligibility list if the veteran has obtained, through military education or experience, skills that substantially relate to the civil service position.

HB 3450 – Employers will be required to notify a potential employee, in writing, at least 72 hours before the first day of employment, if acceptance of an arbitration agreement is a required condition of employment. Previously, the law required employers give a two-week minimum notice. However, the new law requires that the arbitration agreement, signed by the employee, include certain disclaimers in bold face type.

Additional Information

Should you have any questions about the new laws or their impact on your workplace, contact the Ogletree Deakins attorney with whom you normally work or the Client Services Department at 866-287-2576 or via email at clientservices@ogletreedeakins.com.