

House Bill 2241

Sponsored by Representative MATTHEWS; Representatives BARKER, BUCKLEY, DOHERTY, READ (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands definition of term "uniformed service" for purpose of employment protections for members of uniformed service to match federal definition. Includes initial active duty for training as type of military leave for which public employee may take leave of absence.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to employment protections for members of the uniformed service; amending ORS 408.290
3 and 659A.082; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 659A.082 is amended to read:

6 659A.082. (1) As used in this section:

7 (a) "Service" means the performance of duty on a voluntary or involuntary basis in a uniformed
8 service that may involve active duty, active duty for training, initial active duty for training, inac-
9 tive duty for training, full-time duty in the National Guard, funeral honors duty or an examination
10 to determine fitness for service in a uniformed service.

11 [(b) "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National
12 Guard or military reserve forces.]

13 (b) "Uniformed service" means the Armed Forces of the United States, the Army Na-
14 tional Guard and the Air National Guard when engaged in active duty for training, inactive
15 duty training or full-time National Guard duty, the commissioned corps of the United States
16 Public Health Service and any other category of persons designated by the President of the
17 United States in time of war or national emergency.

18 (2) It is an unlawful employment practice for an employer to discriminate against a person be-
19 cause of the person's service in a uniformed service by:

20 (a) If the employer is a public body, denying a public officer or public employee the status or
21 rights provided by ORS 408.240 to 408.280 and 408.290.

22 (b) Denying any of the following because a person is a member of, applies to be a member of,
23 performs, has performed, applies to perform or has an obligation to perform service in a uniformed
24 service:

25 (A) Initial employment;

26 (B) Reemployment following a leave from employment taken by reason of service in a uniformed
27 service;

28 (C) Retention in employment;

29 (D) Promotion; or

30 (E) Any other term, condition or privilege of employment, including but not limited to compen-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 sation.

2 (c) Discharging, expelling, disciplining, threatening or otherwise retaliating against the person
3 for exercising or attempting to exercise the status or rights provided by this section.

4 (3) An employer does not commit an unlawful employment practice under subsection (2)(b) of this
5 section if the employer acted based on a bona fide occupational requirement reasonably necessary
6 to the normal operation of the employer's business and the employer's actions could not be avoided
7 by making a reasonable accommodation of the person's service in a uniformed service.

8 (4) Subsection (2)(b) and (c) of this section shall be construed to the extent possible in a manner
9 that is consistent with similar provisions of the federal Uniformed Services Employment and Reem-
10 ployment Rights Act of 1994.

11 **SECTION 2.** ORS 408.290 is amended to read:

12 408.290. (1) Except as provided in subsection (2) of this section, for **initial active duty for**
13 **training and for** all periods of annual active duty for training as a member of the National Guard,
14 National Guard Reserve or of any reserve component of the Armed Forces of the United States or
15 of the United States Public Health Service, any officer or employee of the state, or of any county,
16 municipality or other subdivision of the state, is entitled, upon application therefor, to a leave of
17 absence from duties for a period not exceeding 15 days in any one training year, without loss of
18 time, pay or regular leave and without impairment of efficiency rating or other rights or benefits
19 to which the officer or employee is entitled.

20 (2) Unless the officer or employee has been employed by the state or by any county, municipality
21 or other political subdivision of the state for a period of six months next preceding application, no
22 officer or employee is entitled to receive pay for any period during which the officer or employee
23 is on military leave.

24 (3) As used in this section, "training year" means the federal fiscal year for any particular unit
25 of the National Guard or a reserve component.

26 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
28 **on its passage.**

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