

FISCAL IMPACT OF PROPOSED LEGISLATION

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

Measure: HB 2005 - 5

***Only Impacts on Original or Engrossed
Versions are Considered Official***

Prepared by: Krista Dauenhauer
Reviewed by: Michelle Deister
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Measure Description:

Provides definitions relating to comparable work for purposes of pay equity provisions.

Government Unit(s) Affected:

Cities, Counties, Special Districts, Bureau of Labor and Industries (BOLI)

Analysis:

The bill, as amended, would expand statute to make it an unlawful employment practice to discriminate between employees or applicants based on race, color, religion, sex, sexual orientation, national origin, marital status, disability, or age in the payment of wages or other forms of compensation. Furthermore, the bill makes it an unlawful employment practice to screen job applicants based on current or past compensation, or to determine compensation for a position based on current or past compensation. In addition, the bill would make it an unlawful employment practice to seek the salary history of an applicant or employee from a current or former employer, other than after making an offer of employment. Employers would be required to demonstrate a business necessity for pay differentials that are not based on merit, seniority, piece-rate or production-based work. Employees who assert a violation of these anti-discrimination laws may file a complaint with the Commissioner of the Bureau of Labor and Industries. Tort claim notice requirements against a public body are expanded from 180 days to one year for certain pay equity violations.

There are over 140,000 employers in Oregon, employing more than 1.7 million employees, that could potentially be subject to the provisions in this bill. The Bureau of Labor and Industries initially indicated the impact would be substantial but indeterminate, but subsequently reconsidered the impact of the bill on its Civil Rights division, reporting that that they do not anticipate a substantial increase in the number of complaints associated with this bill.

The Legislative Fiscal Office (LFO) does not have adequate information to assess the potential impacts of this bill on BOLI, and therefore, the fiscal impact cannot be determined at this time.