



From the desk of

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YES on HB 2005B – The Oregon Equal Pay Act of 2017

- Oregon employers believe that regardless of your race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age you deserve equal pay.
- HB 2005B encourages companies, large and small, to determine if they have a problem, and then gives them a tool to solve that problem....without the costly exercise of going to court.
- Employers want to do the right thing and HB 2005B allows a company to perform an “Equal Pay Analysis” to review their pay practices – allowing the employer to identify the problem (if they have one) before they are sued, not waiting till they are in a courtroom to learn they have a problem.

Important changes made to HB 2005B:

- Includes veterans in the protected classes
- Clarifies when a pay differential is allowed, based on any of the following, or a combination of the following:
 - Seniority system;
 - Merit system;
 - Piece Rate or Production Rate;
 - Location of Workplace;
 - Travel;
 - Education;
 - Training;
 - Experience
- Requires notice in all establishments
- Prohibits an employer from asking prior salary history (effective 91-days upon adjournment) with access to a court of law but delay of jury trial and punitive damages until Jan. 1, 2024
- Includes additional back-pay due if an employee pursues the claim in the BOLI process, rather than a civil/court path
- Limits punitive damages to an employer that engages in fraud or “willful and wanton misconduct” or is a repeat offender
- Provides an employer (the defendant) an opportunity to file a motion to limit damages (bar to compensatory beyond 2-years of back pay and punitive damages) if the employer completes an “Equal Pay Analysis” that:
 - Is completed within 3-years prior to the complaint;
 - Is reasonable in detail and scope given size of employer;
 - Related to the protected class alleged;
 - Shows the employer has made “reasonable and substantial progress towards eliminating wage differentials”
- Delays effective date for the bill to Jan. 1, 2019 allowing employers to review practices and begin to proactively cure if necessary