

**HOUSE AMENDMENTS TO  
SENATE BILL 239  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

June 27

1 On page 1 of the printed bill, delete lines 6 through 30 and insert:

2 “**SECTION 1.** ORS 654.062, as amended by section 1, chapter 198, Oregon Laws 2005 (Enrolled  
3 Senate Bill 237), is amended to read:

4 “654.062. (1) Every employee should notify the employer of any violation of law, regulation or  
5 standard pertaining to safety and health in the place of employment when the violation comes to the  
6 knowledge of the employee.

7 “(2) However, any employee or representative of the employee may complain to the Director of  
8 the Department of Consumer and Business Services or any authorized representatives of the director  
9 of any violation of law, regulation or standard pertaining to safety and health in the place of em-  
10 ployment, whether or not the employee also notifies the employer.

11 “(3) Upon receiving any employee complaint, the director shall make inquiries, inspections and  
12 investigations that the director considers reasonable and appropriate. [*When*] **If** an employee or  
13 representative of the employee [*has complained*] **complains to the director** in writing of an alleged  
14 violation and [*no resulting*] **the director does not issue a** citation [*is issued*] to the employer **for**  
15 **the alleged violation**, the director shall furnish to the employee or representative of the employee,  
16 upon written request, a statement of reasons for the decision.

17 “(4) The director shall establish procedures for keeping confidential the identity of any employee  
18 who requests [*protection*] **confidentiality** in writing. When a request **for confidentiality** has been  
19 made, neither a written complaint from an employee, or representative of the employee, nor a  
20 memorandum containing the identity of a complainant [*is a public record*] **may be disclosed** under  
21 ORS 192.210 to 192.505 [*and 192.610 to 192.990*].

22 “(5) It is an unlawful employment practice for any person to bar or discharge from employment  
23 or otherwise discriminate against any employee or prospective employee because the employee or  
24 prospective employee has:

25 “(a) Opposed any practice forbidden by ORS 654.001 to 654.295 and 654.750 to 654.780;

26 “(b) Made any complaint or instituted or caused to be instituted any proceeding under or related  
27 to ORS 654.001 to 654.295 and 654.750 to 654.780, or has testified or is about to testify in any such  
28 proceeding; or

29 “(c) Exercised on behalf of the employee, prospective employee or others any right afforded by  
30 ORS 654.001 to 654.295 and 654.750 to 654.780.

31 “(6)(a) Any employee or prospective employee alleging to have been barred or discharged from  
32 employment or otherwise discriminated against in compensation, or in terms, conditions or privileges  
33 of employment, in violation of subsection (5) of this section may, within 30 days after the employee  
34 or prospective employee has reasonable cause to believe that the violation has occurred, file a

1 complaint with the Commissioner of the Bureau of Labor and Industries alleging discrimination un-  
2 der the provisions of ORS 659A.820. Upon receipt of the complaint, the commissioner shall process  
3 the complaint under the procedures, policies and remedies established by ORS chapter 659A and the  
4 policies established by ORS 654.001 to 654.295 and 654.750 to 654.780 in the same way and to the  
5 same extent that the complaint would be processed if the complaint involved allegations of unlawful  
6 employment practices under ORS 659A.030 (1)(f).

7 “(b) Within 90 days after receipt of a complaint filed under this subsection, the commissioner  
8 shall notify the complainant of the commissioner’s determination.

9 “(c) The [*affected*] employee or prospective employee may **also** bring a civil action in any circuit  
10 court of the State of Oregon against any person alleged to have violated subsection (5) of this sec-  
11 tion. The civil action must be commenced within one year after the employee or prospective em-  
12 ployee has reasonable cause to believe a violation has occurred, unless a complaint has been timely  
13 filed under ORS 659A.820. The commissioner or the circuit court may order all appropriate relief  
14 including rehiring or reinstatement to the employee’s former position with back pay.”.

15 On page 2, delete lines 1 through 19.  
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