

House Bill 3310

Sponsored by Representative BARNHART; Representatives KENY-GUYER, MALSTROM, PILUSO

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**.

Confirms that discrimination claim may address disparate impact discrimination, or action that is fair in form but discriminatory in operation.

A BILL FOR AN ACT

1
2 Relating to the legal theory behind discrimination claims; amending ORS 659A.001.

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

4 **SECTION 1.** ORS 659A.001 is amended to read:

5 659A.001. As used in this chapter:

6 (1) "Bureau" means the Bureau of Labor and Industries.

7 (2) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.

8 **(3) "Discrimination" includes any act that is fair in form but discriminatory in operation.**

9 ~~[(3)]~~ **(4)** "Employee" does not include any individual employed by the individual's parents, spouse
10 or child or in the domestic service of any person.

11 ~~[(4)(a)]~~ **(5)(a)** "Employer" means any person who in this state, directly or through an agent, en-
12 gages or uses the personal service of one or more employees, reserving the right to control the
13 means by which such service is or will be performed.

14 (b) For the purposes of employee protections described in ORS 659A.350, "employer" means any
15 person who, in this state, is in an employment relationship with an intern as described in ORS
16 659A.350.

17 ~~[(5)]~~ **(6)** "Employment agency" includes any person undertaking to procure employees or oppor-
18 tunities to work.

19 ~~[(6)(a)]~~ **(7)(a)** "Familial status" means the relationship between one or more individuals who
20 have not attained 18 years of age and who are domiciled with:

21 (A) A parent or another person having legal custody of the individual; or

22 (B) The designee of the parent or other person having such custody, with the written permission
23 of the parent or other person.

24 (b) "Familial status" includes any individual, regardless of age or domicile, who is pregnant or
25 is in the process of securing legal custody of an individual who has not attained 18 years of age.

26 ~~[(7)]~~ **(8)** "Labor organization" includes any organization which is constituted for the purpose, in
27 whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms
28 or conditions of employment or of other mutual aid or protection in connection with employees.

29 ~~[(8)]~~ **(9)** "National origin" includes ancestry.

30 ~~[(9)]~~ **(10)** "Person" includes:

31 (a) One or more individuals, partnerships, associations, labor organizations, limited liability

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 companies, joint stock companies, corporations, legal representatives, trustees, trustees in bank-
2 ruptcy or receivers.

3 (b) A public body as defined in ORS 30.260.

4 (c) For purposes of ORS 659A.145 and 659A.421 and the application of any federal housing law,
5 a fiduciary, mutual company, trust or unincorporated organization.

6 [(10)] (11) "Respondent" means any person against whom a complaint or charge of an unlawful
7 practice is filed with the commissioner or whose name has been added to such complaint or charge
8 pursuant to ORS 659A.835.

9 [(11)] (12) "Unlawful employment practice" means a practice specifically denominated as an un-
10 lawful employment practice in this chapter. "Unlawful employment practice" includes a practice that
11 is specifically denominated in another statute of this state as an unlawful employment practice and
12 that is specifically made subject to enforcement under this chapter.

13 [(12)] (13) "Unlawful practice" means any unlawful employment practice or any other practice
14 specifically denominated as an unlawful practice in this chapter. "Unlawful practice" includes a
15 practice that is specifically denominated in another statute of this state as an unlawful practice and
16 that is specifically made subject to enforcement under this chapter, or a practice that violates a rule
17 adopted by the commissioner for the enforcement of the provisions of this chapter.

18