

# House Bill 2188

Sponsored by Representative RESCHKE (Pre-session 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act repeals laws that required paid family leave benefits. (Flesch Readability Score: 61.3).

Repeals provisions of the paid family and medical leave insurance program.

## A BILL FOR AN ACT

1  
2 Relating to repeal of the paid family leave benefits program; creating new provisions; amending ORS  
3 183.471, 305.410, 410.619, 653.455, 657.100, 657.471, 659A.162 and 659A.885; and repealing ORS  
4 657B.005, 657B.010, 657B.015, 657B.020, 657B.023, 657B.025, 657B.030, 657B.040, 657B.050,  
5 657B.060, 657B.070, 657B.080, 657B.090, 657B.100, 657B.110, 657B.130, 657B.150, 657B.175,  
6 657B.180, 657B.190, 657B.200, 657B.210, 657B.220, 657B.230, 657B.240, 657B.250, 657B.260,  
7 657B.280, 657B.290, 657B.300, 657B.310, 657B.320, 657B.330, 657B.332, 657B.334, 657B.335,  
8 657B.336, 657B.337, 657B.338, 657B.339, 657B.340, 657B.350, 657B.360, 657B.370, 657B.380,  
9 657B.390, 657B.400, 657B.410, 657B.420, 657B.425, 657B.430, 657B.440, 657B.460, 657B.470,  
10 657B.480, 657B.900, 657B.910, 657B.920 and 657B.925 and sections 49, 50 and 51, chapter 700,  
11 Oregon Laws 2019, sections 2 and 3, chapter 66, Oregon Laws 2023, and section 2, chapter 19,  
12 Oregon Laws 2024.

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

14 **SECTION 1. Any moneys that remain in the Paid Family and Medical Leave Insurance**  
15 **Fund on the effective date of this 2025 Act that are unexpended, unobligated and not subject**  
16 **to any conditions shall revert to the State Highway Fund for the Interstate 5 Rose Quarter**  
17 **Project and the Interstate 205 Abernethy Bridge Project.**

18 **SECTION 2.** ORS 183.471, as amended by section 65, chapter 110, Oregon Laws 2024, is  
19 amended to read:

20 183.471. (1) When an agency issues a final order in a contested case, the agency shall maintain  
21 the final order in a digital format that:

22 (a) Identifies the final order by the date it was issued;

23 (b) Is suitable for indexing and searching; and

24 (c) Preserves the textual attributes of the document, including the manner in which the docu-  
25 ment is paginated and any boldfaced, italicized or underlined writing in the document.

26 (2) The Oregon State Bar may request that an agency provide the Oregon State Bar, or its  
27 designee, with electronic copies of final orders issued by the agency in contested cases. The request  
28 must be in writing. No later than 30 days after receiving the request, the agency, subject to ORS  
29 192.338, 192.345 and 192.355, shall provide the Oregon State Bar, or its designee, with an electronic  
30 copy of all final orders identified in the request.

**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 (3) Notwithstanding ORS 192.324, an agency may not charge a fee for the first two requests  
 2 submitted under this section in a calendar year. For any subsequent request, an agency may impose  
 3 a fee in accordance with ORS 192.324 to reimburse the agency for the actual costs of complying with  
 4 the request.

5 (4) For purposes of this section, a final order entered in a contested case by an administrative  
 6 law judge under ORS 183.625 (3) is a final order issued by the agency that authorized the adminis-  
 7 trative law judge to conduct the hearing.

8 (5) This section does not apply to final orders by default issued under ORS 183.417 (3) or to final  
 9 orders issued in contested cases by:

10 (a) The Department of Revenue;

11 (b) The State Board of Parole and Post-Prison Supervision;

12 (c) The Department of Corrections;

13 (d) The Employment Relations Board;

14 (e) The Public Utility Commission of Oregon;

15 (f) The Oregon Health Authority;

16 (g) The Land Conservation and Development Commission, except for enforcement orders under  
 17 section 3, chapter 110, Oregon Laws 2024;

18 (h) The Land Use Board of Appeals;

19 (i) The Division of Child Support of the Department of Justice;

20 (j) The Department of Transportation, if the final order relates to the suspension, revocation or  
 21 cancellation of identification cards, vehicle registrations, vehicle titles or driving privileges or to the  
 22 assessment of taxes or stipulated settlements in the regulation of vehicle related businesses;

23 (k) The Employment Department or the Employment Appeals Board, if the final order relates to  
 24 benefits as defined in ORS 657.010;

25 (L) The Employment Department, if the final order relates to an assessment of unemployment  
 26 tax for which a hearing was not held; **or**

27 *[(m) The Employment Department, if the final order relates to:]*

28 *[(A) Benefits, as defined in ORS 657B.010;]*

29 *[(B) Employer and employee contributions under ORS 657B.150 for which a hearing was not  
 30 held;]*

31 *[(C) Employer-offered benefit plans approved under ORS 657B.210 or terminated under ORS  
 32 657B.220; or]*

33 *[(D) Employer assistance grants under ORS 657B.200; or]*

34 *[(n)]* (m) The Department of Human Services, if the final order was not related to licensing or  
 35 certification.

36 **SECTION 3.** ORS 657.471 is amended to read:

37 657.471. (1) Except as otherwise provided in this section, benefits paid to an eligible individual  
 38 shall be charged to each of the individual's employers during the base year in the same proportion  
 39 that the wages paid by each employer to the individual during the base year bear to the wages paid  
 40 by all employers to that individual during that year.

41 (2) The account of an employer, other than a political subdivision electing to pay taxes under  
 42 ORS 657.509, may not be charged with benefits paid an unemployed individual in excess of one-third  
 43 of the base year wages paid that individual while in the employ of the employer.

44 (3) Benefits paid to an individual for unemployment immediately after the expiration of a period  
 45 of disqualification for having left the employment of an employer voluntarily without good cause

1 may not be charged to the employer.

2 (4) Benefits paid to an individual for unemployment immediately after the expiration of a period  
 3 of disqualification for having been discharged by an employer for misconduct may not be charged  
 4 to the employer.

5 (5) Benefits paid without any disqualification to an individual may not be charged to an em-  
 6 ployer of the individual for the immediate period of unemployment if:

7 (a) The individual left the employment of the employer voluntarily for good cause not attribut-  
 8 able to the employer; or

9 (b) The employer discharged the individual because the individual was unable to satisfy a job  
 10 prerequisite required by law or administrative rule.

11 (6) If it is determined under the provisions of subsection (3), (4) or (5) of this section that bene-  
 12 fits paid to an individual may not be charged to an employer, the employer's account may not be  
 13 charged for any benefits paid for any subsequent period or periods of unemployment during the  
 14 individual's affected benefit year or during any benefit year beginning within 52 weeks subsequent  
 15 to the affected benefit year.

16 (7)(a) A base-year employer that is not otherwise eligible for relief of charges for benefits under  
 17 this section and that receives notification of an initial valid determination of a claim may request  
 18 relief of charges if the claim is made by an individual who:

19 (A) Left the employment of the employer voluntarily and not for reasons attributable to the  
 20 employer;

21 (B) Was disqualified for the individual's most recent separation from the employer by a deter-  
 22 mination of the Director of the Employment Department that the individual has been discharged for  
 23 misconduct connected with the employment for the employer; or

24 (C) Was discharged for reasons that would be disqualifying under ORS 657.176 (2)(a), (b), (f), (g)  
 25 or (h).

26 (b)(A) A request under paragraph (a)(A) of this subsection:

27 (i) Must advise the director in writing of the date on which the individual left employment, state  
 28 that the individual left voluntarily and not for reasons attributable to the employer and give the  
 29 reason for which the individual left employment.

30 (ii) May not be granted if the individual was reemployed by the employer prior to the filing of  
 31 the initial valid claim.

32 (B) A request under paragraph (a)(C) of this subsection must specify the date of the discharge  
 33 and the reasons why the employer believes the discharge was for reasons that would be disqualifying  
 34 under ORS 657.176 (2)(a), (b), (f), (g) or (h).

35 (c) A request for relief under this subsection must be sent to the department within 30 days after  
 36 the date on which the notice provided for under ORS 657.266 is mailed or delivered to the employer.

37 (d) Upon receipt of the request from the employer, the director shall review the information  
 38 provided by the employer and determine whether the employer is entitled to relief of charges for  
 39 benefits paid to the individual during the benefit year. If the director determines that the employer  
 40 is entitled to relief of charges, the director shall grant the relief.

41 (e)(A) The determination of the director under paragraph (a)(A) and (C) of this subsection is final  
 42 in all cases unless an application for hearing is filed within 20 days after delivery of the determi-  
 43 nation, or, if mailed, within 20 days after the determination was mailed to the employer's last-known  
 44 address.

45 (B) When a request for hearing has been timely filed, an administrative law judge shall be as-

1 signed to conduct a hearing.

2 (C) After the administrative law judge has afforded all parties an opportunity for a fair hearing,  
 3 the administrative law judge shall affirm or reverse the determination and promptly notify all par-  
 4 ties entitled to notice of the decision and the reasons for the decision.

5 (D) Decisions of the administrative law judge under this subsection are final and may be  
 6 judicially reviewed as provided in ORS 657.684 to the extent applicable.

7 (8)(a) If the director finds that an employer or the employer’s agent, in submitting facts under  
 8 subsection (7) of this section, willfully makes a false statement or representation or willfully fails  
 9 to report a material fact concerning the termination of an individual’s employment, the director  
 10 shall make a determination charging the employer’s reserve account not less than two nor more  
 11 than 10 times the weekly benefit amount of the claimant or claimants.

12 (b) The director shall give notice to the employer of the determination under this subsection and  
 13 the determination of the director is final unless an application for hearing is filed in the manner  
 14 provided for in subsection (7)(e) of this section.

15 (9) Benefits paid to an individual may not be charged to a base-year employer if:

16 (a) The employer furnished part-time work to the individual during the base year;

17 (b) The individual has become eligible for benefits because of loss of employment with one or  
 18 more other employers;

19 (c) The employer has continued to furnish part-time work to the individual in substantially the  
 20 same amount as during the individual’s base year; and

21 (d) The employer requests relief of charges within 30 days of the date the notice provided for  
 22 in ORS 657.266 is mailed or delivered to the employer.

23 *[(10) Benefits paid to an individual for unemployment due to the return of a covered individual,*  
 24 *as defined in ORS 657B.010, who was temporarily replaced by the individual for a period of family*  
 25 *leave, medical leave or safe leave under ORS chapter 657B may not be charged to the employer of the*  
 26 *covered individual.]*

27 *[(11)]* (10) Notwithstanding any other provision of this section, benefits paid to an individual  
 28 shall be charged to an employer’s account if:

29 (a) The employer or the employer’s agent fails to respond timely or adequately to a request from  
 30 the Employment Department for information relating to the claim for benefits;

31 (b) The failure to respond causes an overpayment of benefits to the claimant; and

32 (c) The employer or the employer’s agent has a pattern of failing to respond timely or ade-  
 33 quately to requests from the department for information relating to claims for benefits.

34 **SECTION 4.** ORS 659A.162, as amended by section 9, chapter 20, Oregon Laws 2024, is amended  
 35 to read:

36 659A.162. (1)(a) Except as specifically provided by ORS 659A.150 to 659A.186, an eligible em-  
 37 ployee is entitled to up to a total of 12 weeks of family leave for a purpose described in ORS  
 38 659A.159 within any one-year period.

39 *[(b) Leave taken under ORS 659A.150 to 659A.186 is in addition to, and may not be taken con-*  
 40 *currently with, any leave taken pursuant to ORS chapter 657B.]*

41 (2)(a) Except as provided by paragraph (b) of this subsection, an eligible employee is entitled to  
 42 a total of two weeks of family leave for the purposes described in ORS 659A.159 (1)(b).

43 (b) An eligible employee is entitled to the period of leave described in paragraph (a) of this  
 44 subsection upon the death of each family member of the employee within any one-year period, except  
 45 that leave taken as provided by this subsection may not exceed a total of four weeks within any

1 one-year period.

2 (c) A covered employer may not require an eligible employee to take multiple periods of leave  
 3 described in ORS 659A.159 (1)(b) concurrently if more than one family member of the employee dies  
 4 during the one-year period.

5 (d) All leave taken for the purposes described in ORS 659A.159 (1)(b) shall be counted toward  
 6 the total period of family leave authorized by subsection (1) of this section.

7 (3) In addition to the 12 weeks of family leave authorized by subsection (1) of this section, an  
 8 eligible employee may take a total of 12 weeks of leave within any one-year period for an illness,  
 9 injury or condition related to the eligible employee's own pregnancy or childbirth that disables the  
 10 eligible employee from performing any available job duties offered by the covered employer.

11 (4) When two or more family members work for the same covered employer, the eligible em-  
 12 ployees may not take concurrent family leave unless:

13 (a) One employee needs to care for a child for a purpose described in ORS 659A.159 (1)(a) while  
 14 another employee is taking leave under subsection (3) of this section; or

15 (b) One or more of the employees is taking leave described in ORS 659A.159 (1)(b).

16 (5) A covered employer may not reduce the amount of family leave available to an eligible em-  
 17 ployee under this section by any period the employee is unable to work because of a disabling  
 18 compensable injury.

19 (6) The Commissioner of the Bureau of Labor and Industries shall adopt rules governing when  
 20 family leave may be taken intermittently or by working a reduced workweek. Rules adopted by the  
 21 commissioner under this paragraph shall allow taking of family leave on an intermittent basis or by  
 22 use of a reduced workweek to the extent permitted by federal law and to the extent that taking  
 23 family leave on an intermittent basis or by use of a reduced workweek does not result in the loss  
 24 of an eligible employee's exempt status under the federal Fair Labor Standards Act.

25 **SECTION 5.** ORS 659A.885, as amended by section 58, chapter 700, Oregon Laws 2019, section  
 26 46, chapter 367, Oregon Laws 2021, section 9, chapter 99, Oregon Laws 2022, and section 49, chapter  
 27 9, Oregon Laws 2023, is amended to read:

28 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
 29 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
 30 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
 31 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
 32 court may order back pay in an action under this subsection only for the two-year period imme-  
 33 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
 34 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
 35 year period immediately preceding the filing of the action. In any action under this subsection, the  
 36 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
 37 cept as provided in subsection (3) of this section:

38 (a) The judge shall determine the facts in an action under this subsection; and

39 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
 40 review the judgment pursuant to the standard established by ORS 19.415 (3).

41 (2) An action may be brought under subsection (1) of this section alleging a violation of:

42 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 468B.519, 475C.285,  
 43 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661,  
 44 [657B.060, 657B.070,] 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082,  
 45 659A.088, 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203,

1 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290,  
 2 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370  
 3 or 659A.421; or

4 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

5 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
 6 243.323, 652.220, 652.355, 653.547, 653.549, [657B.060, 657B.070,] 659.852, 659A.030, 659A.040,  
 7 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228,  
 8 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or  
 9 659A.421:

10 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 11 compensatory damages or \$200, whichever is greater, and punitive damages;

12 (b) At the request of any party, the action shall be tried to a jury;

13 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
 14 ment pursuant to the standard established by ORS 19.415 (1); and

15 (d) Any attorney fee agreement shall be subject to approval by the court.

16 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
 17 olation of ORS 652.220, the court may award punitive damages if:

18 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
 19 with malice or acted with willful and wanton misconduct; or

20 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
 21 659A.850 for a violation of ORS 652.220.

22 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
 23 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
 24 tion, compensatory damages or \$200, whichever is greater.

25 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
 26 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
 27 section, compensatory damages or \$250, whichever is greater.

28 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
 29 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
 30 penalty in the amount of \$720.

31 (8) Any individual against whom any distinction, discrimination or restriction on account of  
 32 race, color, religion, sex, sexual orientation, gender identity, national origin, marital status or age,  
 33 if the individual is 18 years of age or older, has been made by any place of public accommodation,  
 34 as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any  
 35 person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action  
 36 against the operator or manager of the place, the employee or person acting on behalf of the place  
 37 or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an  
 38 action under this subsection:

39 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 40 compensatory and punitive damages;

41 (b) The operator or manager of the place of public accommodation, the employee or person  
 42 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
 43 damages awarded in the action;

44 (c) At the request of any party, the action shall be tried to a jury;

45 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

1 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
 2 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
 3 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
 4 and

5 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
 6 judgment pursuant to the standard established by ORS 19.415 (1).

7 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
 8 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
 9 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
 10 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
 11 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
 12 manner as a person or group of persons may file a civil action under this section. In a civil action  
 13 filed under this subsection, the court may assess against the respondent, in addition to the relief  
 14 authorized under subsections (1) and (3) of this section, a civil penalty:

15 (a) In an amount not exceeding \$50,000 for a first violation; and

16 (b) In an amount not exceeding \$100,000 for any subsequent violation.

17 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
 18 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
 19 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
 20 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
 21 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
 22 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
 23 appealing an adverse decision of the trial court.

24 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
 25 or 659A.421 or discrimination under federal housing law:

26 (a) "Aggrieved person" includes a person who believes that the person:

27 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

28 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
 29 occur.

30 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
 31 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
 32 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
 33 party costs and reasonable attorney fees at trial and on appeal.

34 **SECTION 6.** ORS 305.410, as amended by section 36, chapter 52, Oregon Laws 2024, is amended  
 35 to read:

36 305.410. (1) Subject only to the provisions of ORS 305.445 relating to judicial review by the Su-  
 37 preme Court and to subsection (2) of this section, the tax court shall be the sole, exclusive and final  
 38 judicial authority for the hearing and determination of all questions of law and fact arising under  
 39 the tax laws of this state. For the purposes of this section, and except to the extent that they pre-  
 40 clude the imposition of other taxes, the following are not tax laws of this state:

41 (a) ORS chapter 577 relating to Oregon Beef Council contributions.

42 (b) ORS 576.051 to 576.455 relating to commodity commission assessments.

43 (c) ORS chapter 477 relating to fire protection assessments.

44 (d) ORS chapters 731, 732, 733, 734, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750 relating to  
 45 insurance company fees and taxes.

- 1 (e) ORS chapter 473 relating to liquor taxes.
- 2 (f) ORS chapter 825 relating to motor carrier taxes.
- 3 (g) ORS chapter 319 relating to motor vehicle and aircraft fuel taxes and the road usage charges  
4 imposed under ORS 319.885.
- 5 (h) The Oregon Vehicle Code relating to motor vehicle and motor vehicle operators' license fees  
6 and ORS chapter 830 relating to boat licenses.
- 7 (i) ORS chapter 578 relating to Oregon Wheat Commission assessments.
- 8 (j) ORS chapter 462 relating to racing taxes.
- 9 (k) ORS chapter 657 relating to unemployment insurance taxes.
- 10 (L) ORS chapter 656 relating to workers' compensation contributions, assessments or fees.
- 11 (m) ORS 311.420, 311.425, 311.455, 311.650, 311.655 and ORS chapter 312 relating to foreclosure  
12 of real and personal property tax liens.
- 13 (n) ORS 409.800 to 409.816 and 409.900 relating to long term care facility assessments.
- 14 *[(o) ORS chapter 657B relating to family and medical leave insurance benefits and contributions.]*
- 15 (2) The tax court and the circuit courts shall have concurrent jurisdiction to try actions or suits  
16 to determine:
- 17 (a) The priority of property tax liens in relation to other liens.
- 18 (b) The validity of any deed, conveyance, transfer or assignment of real or personal property  
19 under ORS 95.060 and 95.070 (1983 Replacement Part) or 95.200 to 95.310 where the Department of  
20 Revenue has or claims a lien or other interest in the property.
- 21 (3) Subject only to the provisions of ORS 305.445 relating to judicial review by the Supreme  
22 Court, the tax court shall be the sole, exclusive and final judicial authority for the hearing and de-  
23 termination of all questions of law and fact arising under any tax law of a local government that  
24 is imposed upon or measured by net income or taxes or fees that are reported on the same return  
25 as a tax imposed on or measured by net income. The tax court does not have jurisdiction to review  
26 determinations of a local government relating to the collection, enforcement, administration or dis-  
27 tribution of a tax described in this subsection.
- 28 (4)(a)(A) The regular division of the tax court and the circuit courts shall have concurrent ju-  
29 risdiction for the hearing and determination of all questions of law and fact arising under any tax  
30 law of a local government not described in subsection (3) of this section.
- 31 (B) For purposes of this subsection, tax laws of a local government not described in subsection  
32 (3) of this section include, but are not limited to, taxes authorized by ORS chapter 221 and laws of  
33 a local government imposing a tax on wages or net earnings from self-employment, on the sale or  
34 use of goods or services or on the transfer of real property.
- 35 (b) Notwithstanding paragraph (a) of this subsection, the tax court shall not have jurisdiction  
36 to review determinations of a local government relating to the collection, enforcement, adminis-  
37 tration or distribution of a tax described in this subsection.
- 38 (c)(A) The presiding judge of a circuit court may order a case described in paragraph (a) of this  
39 subsection to be transferred to the judge of the tax court upon motion of any party or on the court's  
40 own motion and the judge of the tax court may order such a case to be transferred to a circuit court  
41 upon motion of any party or on the court's own motion.
- 42 (B) Lack of subject matter jurisdiction in the court transferring the case shall not be grounds  
43 for dismissal in the other court.
- 44 (d) For purposes of this subsection, the commencement of an action in the magistrate division  
45 of the tax court, or the transfer of a case to the magistrate division, is not grounds for dismissal



1 and the judge of the tax court shall specially designate any such case for hearing in the regular  
2 division as provided in ORS 305.501 (1).

3 (e) For purposes of any limitation on the time for commencement of an action described in this  
4 subsection, the date of filing shall be the first date on which the action is filed in a circuit court  
5 or in either division of the tax court.

6 (f) Notwithstanding ORS 305.425 or other law, for actions described in this subsection, only  
7 those remedies available in a circuit court shall be available in the tax court, including but not  
8 limited to, writ of review or mandamus under ORS chapter 34 and declaratory judgment under ORS  
9 chapter 28.

10 (g) Proceedings in the tax court under this subsection shall be without a jury and appeal from  
11 the tax court shall be to the Supreme Court under ORS 305.445.

12 (5) Subject only to the provisions of ORS 305.445 relating to judicial review by the Supreme  
13 Court, the tax court shall be the sole, exclusive and final judicial authority for the hearing and de-  
14 termination of all questions of law and fact concerning the authorized uses of the proceeds of bonded  
15 indebtedness described in Article XI, section 11 (11)(d), of the Oregon Constitution.

16 (6) Except as permitted under Article VII (Amended), section 2, of the Oregon Constitution, this  
17 section and ORS 305.445, no person shall contest, in any action, suit or proceeding in the circuit  
18 court or any other court, any matter within the jurisdiction of the tax court.

19 **SECTION 7.** ORS 410.619 is amended to read:

20 410.619. (1) A home care worker or personal support worker who is not otherwise employed by  
21 the Home Care Commission, the Department of Human Services, the Oregon Health Authority, an  
22 area agency or a support services brokerage shall not be deemed to be an employee of the state,  
23 whether or not the state selects the home care worker or personal support worker for employment  
24 or exercises any direction or control over the home care worker or personal support worker, for the  
25 purpose of the state's liability for the actions of the home care worker or personal support worker.

26 (2) The state shall be deemed an employer of home care workers or personal support workers  
27 for the purposes of:

28 (a) ORS 410.605, 410.606, 410.612 and 410.614 [*and ORS chapter 657B*]; and

29 (b) ORS chapter 657, except as provided in ORS 657.730 (4).

30 **SECTION 8.** ORS 657.100 is amended to read:

31 657.100. (1) An individual is deemed "unemployed" in any week during which the individual  
32 performs no services and with respect to which no remuneration for services performed is paid or  
33 payable to the individual, or in any week of less than full-time work if the remuneration paid or  
34 payable to the individual for services performed during the week is less than the individual's weekly  
35 benefit amount.

36 (2) For the purposes of ORS 657.155 (1), an individual who performs full-time services in any  
37 week for an employing unit is not unemployed even though remuneration is neither paid nor payable  
38 to the individual for the services performed; however, nothing in this subsection shall prevent an  
39 individual from meeting the definition of "unemployed" as used in this section solely by reason of  
40 the individual's performance of volunteer services without remuneration for a charitable institution  
41 or a governmental entity.

42 [(3) *An individual may not be deemed "unemployed" under this section for any week in which the*  
43 *individual is receiving family and medical leave insurance benefits under ORS chapter 657B.*]

44 [(4)] (3) The Director of the Employment Department shall prescribe rules as the director deems  
45 necessary with respect to the various types of unemployment.

1       **SECTION 9.** ORS 653.455, as amended by section 2, chapter 20, Oregon Laws 2024, is amended  
 2 to read:

3       653.455. (1) As used in this section:

4       (a) “Group communication” means communication to all eligible employees, either written or  
 5 oral.

6       (b) “Ticketed event” means a sporting, entertainment, civic, charitable or other event that re-  
 7 quires a ticket for admission. The ticket may be electronic, physical or a name on a list held by the  
 8 event organizer.

9       (2) An employer shall provide the following compensation to an employee for each employer-  
 10 requested change that occurs to the employee’s written work schedule without the advance notice  
 11 required in ORS 653.436:

12       (a) One hour of pay at the employee’s regular rate of pay, in addition to wages earned, when  
 13 the employer:

14       (A) Adds more than 30 minutes of work to the employee’s work shift;

15       (B) Changes the date or start or end time of the employee’s work shift with no loss of hours;

16 or

17       (C) Schedules the employee for an additional work shift or on-call shift.

18       (b) One-half times the employee’s regular rate of pay per hour for each scheduled hour that the  
 19 employee does not work when the employer:

20       (A) Subtracts hours from the employee’s work shift before or after the employee reports for duty;

21       (B) Changes the date or start or end time of the employee’s work shift, resulting in a loss of  
 22 work shift hours;

23       (C) Cancels the employee’s work shift; or

24       (D) Does not ask the employee to perform work when the employee is scheduled for an on-call  
 25 shift.

26       (3) The requirements for additional compensation in this section do not apply when:

27       (a) An employer changes the start or end time of an employee’s work shift by 30 minutes or less;

28       (b) An employee mutually agrees with another employee to employee-initiated work shift swaps  
 29 or coverage. The employer may require that work shift swaps or coverage under this paragraph be  
 30 preapproved by the employer. The employer may assist employees in finding such arrangements,  
 31 provided that any employer assistance must be limited to helping an employee identify other em-  
 32 ployees who may be available to provide work shift swaps or coverage and may not include the  
 33 employer arranging the work shift swap or coverage;

34       (c) An employee requests changes to the employee’s written work schedule, including adding or  
 35 subtracting hours, and the employee documents the request in writing;

36       (d) An employer makes changes to an employee’s written work schedule at the employee’s re-  
 37 quest under ORS 653.436 (6);

38       (e) An employer subtracts hours from an employee’s work schedule for disciplinary reasons for  
 39 just cause, provided the employer documents the incident leading to the employee’s discipline in  
 40 writing;

41       (f) An employee’s work shift or on-call shift cannot begin or continue due to threats to employ-  
 42 ees or property or due to the recommendation of a public official;

43       (g) Operations cannot begin or continue because public utilities fail to supply electricity, water  
 44 or gas or there is a failure in the public utilities or sewer system;

45       (h) Operations cannot begin or continue due to a natural disaster or a similar cause not within

1 the employer’s control, including when the natural disaster or similar cause physically affects the  
2 work site;

3 (i) Operations hours change or are substantially altered because a ticketed event is canceled,  
4 rescheduled or changes in duration due to circumstances that are outside the employer’s control and  
5 that occur after the employer provides the written work schedule under ORS 653.436;

6 (j) An employer requests that an employee on a voluntary standby list work additional hours  
7 as described in ORS 653.432 and the employee consents to work the additional hours;

8 (k)(A) An employer requests that an employee work additional hours to address unanticipated  
9 customer needs or unexpected employee absence;

10 (B) The employee consents in writing to work the additional hours;

11 (C) If the employer maintains a voluntary standby list described in ORS 653.432, the employer  
12 has contacted all of the employees listed on the voluntary standby list and requires additional em-  
13 ployee coverage; and

14 (D)(i) If the employee is working a work shift at the time the employer makes the request, the  
15 employer makes the request either individually or as part of a group communication; or

16 (ii) If the employee is not working a work shift at the time the employer makes the request, the  
17 employer makes the request through a group communication; or

18 (L) An employer is provided with less than 14 days’ notice before the first day of the work  
19 schedule of the need for leave under ORS chapter [657B or] 659A, or of the return from the use of  
20 leave under ORS chapter [657B or] 659A, and the employer makes a change to the schedule of an  
21 employee who was temporarily assigned to specific shifts to cover for an employee on leave under  
22 ORS chapter [657B or] 659A.

23 **SECTION 10.** (1) **ORS 657B.005, 657B.010, 657B.015, 657B.020, 657B.023, 657B.025, 657B.030,**  
24 **657B.040, 657B.050, 657B.060, 657B.070, 657B.080, 657B.090, 657B.100, 657B.110, 657B.130,**  
25 **657B.150, 657B.175, 657B.180, 657B.190, 657B.200, 657B.210, 657B.220, 657B.230, 657B.240,**  
26 **657B.250, 657B.260, 657B.280, 657B.290, 657B.300, 657B.310, 657B.320, 657B.330, 657B.332,**  
27 **657B.334, 657B.335, 657B.336, 657B.337, 657B.338, 657B.339, 657B.340, 657B.350, 657B.360,**  
28 **657B.370, 657B.380, 657B.390, 657B.400, 657B.410, 657B.420, 657B.425, 657B.430, 657B.440,**  
29 **657B.460, 657B.470, 657B.480, 657B.900, 657B.910, 657B.920 and 657B.925 and section 49, chapter**  
30 **700, Oregon Laws 2019, sections 2 and 3, chapter 66, Oregon Laws 2023, and section 2, chapter**  
31 **19, Oregon Laws 2024, are repealed.**

32 (2) **Section 50, chapter 700, Oregon Laws 2019, as amended by section 2, chapter 639,**  
33 **Oregon Laws 2021, is repealed.**

34 (3) **Section 51, chapter 700, Oregon Laws 2019, as amended by section 3, chapter 639,**  
35 **Oregon Laws 2021, and section 3, chapter 19, Oregon Laws 2024, is repealed.**

36