

House Bill 2545

Sponsored by Representative VALDERRAMA (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 would prohibit employers from firing farmworkers without cause. The Act takes effect when the Governor signs it. (Flesch Readability Score: 63.6).

Prohibits employers from terminating an agricultural worker unless the termination is for cause. Sets forth the conditions that must be satisfied in order to determine the existence of cause. Provides remedies for agricultural workers alleging a retaliation or a violation of the for cause standard.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to labor standards for agricultural workers; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Agricultural worker" means an individual who performs services in agriculture for**
6 **an employer in exchange for an agreed remuneration or rate of pay.**

7 (b) **"Agriculture" has the meaning given that term in ORS 653.271, including the planting,**
8 **pruning and harvesting of Christmas trees.**

9 (c) **"Christmas tree" has the meaning given that term in ORS 571.505.**

10 (d) **"Employ" and "employer" have the meanings given those terms in ORS 653.010.**

11 (e) **"Farm labor contractor" has the meaning given that term in ORS 658.405.**

12 (f) **"Progressive discipline system" means a disciplinary system under which:**

13 (A) **Disciplinary measures involve graduated and proportionate responses to an agricul-**
14 **tural worker's misconduct or failure to meet an employer's performance expectations; and**

15 (B) **The severity of the discipline may increase for repeated misconduct.**

16 (2) **Except as provided in subsection (3) of this section, an employer may not terminate**
17 **the employment of an agricultural worker unless the worker is terminated for cause. For**
18 **purposes of this section:**

19 (a) **An employer terminates an agricultural worker for cause only if all of the following**
20 **conditions are satisfied:**

21 (A) **The employer has informed the agricultural worker, in the language most typically**
22 **used to communicate with the worker, of the employer's policies or rules and performance**
23 **expectations.**

24 (B) **The ability to comply with the employer's performance expectations is within the**
25 **agricultural worker's control.**

26 (C) **The employer's policies or rules regarding performance expectations are applied**
27 **consistently among the agricultural workers in corresponding employment.**

28 (D) **The employer undertakes a fair and objective investigation into the agricultural**

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 worker's job performance or misconduct.

2 (E) Action taken by the employer to correct an agricultural worker's conduct or job
3 performance must be taken in accordance with a progressive discipline system that has been
4 adopted by the employer.

5 (b) The employer has the burden of establishing that any termination for cause meets
6 the conditions set forth in paragraph (a) of this subsection.

7 (3) An employer may terminate an agricultural worker without cause if the termination
8 is due to:

9 (a) A bona fide economic layoff that is:

10 (A) Supported by legitimate and verifiable economic reasons documented in the
11 employer's records; and

12 (B) Made in the reverse order of seniority within job classifications.

13 (b) The expiration of a designated period of temporary or seasonal agricultural work.

14 (4) An employer may not terminate, discipline, penalize, retaliate against or take any
15 other adverse action against an agricultural worker because the worker has:

16 (a) Opposed any practice prohibited by this section.

17 (b) Initiated a complaint or civil action alleging a violation of this section.

18 (5) An agricultural worker claiming to be aggrieved by an alleged violation of this section
19 may file:

20 (a) A complaint with the Commissioner of the Bureau of Labor and Industries in the
21 manner provided by ORS 659A.820.

22 (b) A civil action against any person alleged to have terminated the worker in violation
23 of this section.

24 (6)(a) In any civil action brought under this section, the court may order injunctive relief,
25 and any equitable relief that may be appropriate, including but not limited to reinstatement.

26 (b) In addition to the relief described in paragraph (a) of this subsection, the court may
27 award a civil penalty in the amount of \$5,000 and compensatory damages, including damages
28 for emotional distress.

29 (c) In all actions brought under this section, the court shall award reasonable attorney
30 fees and costs to a prevailing plaintiff.

31 (7) For purposes of determining liability under this section, if a farm labor contractor
32 recruits, solicits, supplies or employs agricultural workers to perform work in agriculture
33 for an employer of agricultural workers, the farm labor contractor shall be jointly and se-
34 verally liable with the employer for the acts committed in violation of this section.

35 **SECTION 2.** This 2025 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
37 on its passage.

38