

2019 Legislative Session
Summary of Bills Passed Impacting Community Colleges

<i>Bill Number</i>	<i>Summary</i>	<i>Effective Date(S)</i>	<i>New Requirements and Action Needed</i>	<i>Relevant Affinity Group(S)</i>
HB 2005	Paid Family Leave Insurance – Creates family and medical leave insurance program to provide employee who is eligible for coverage with portion of wages while employee is on family leave or medical leave.	Payroll tax – January 1, 2022; Benefits payable beginning January 1, 2023	<p>Creates a paid family leave insurance program paid for through payroll tax contributions by employees and employers. It is similar to current unemployment insurance program. Paid benefits are limited to 12 weeks per year. An additional 4 weeks of unpaid leave may be taken for a total of 16 weeks in one year. An additional 2 weeks of leave may be taken for pregnancy, childbirth or related conditions. Paid benefits run concurrently with leave provided under the existing Oregon Family Leave Act. The total contribution rate may not exceed one percent of wages, up to \$132,900 in wages, with the employer paying 40% and employee paying 60% (as a wage deduction). The total contribution rate will be set by the Employment Department. An employer may pay the entire rate as an employer-offered benefit. Employers that employ fewer than 25 employees are not required to pay the employer contribution. Employers may develop equivalent plans and if approved provide employer-sponsored plan as an alternative. Employers are not required to re-open existing collective bargaining agreements as a result of the passage of this law.</p> <p>Action: Participate in rulemaking process; Account for budgetary impact when developing budgets for 2021-23 biennium.</p>	HR Directors, Business Officers
HB 2016	Labor Union Representative Release Time – Requires public employer to grant reasonable paid time to public employee who is designated representative to	January 1, 2020	<p>Designated Representative Release Time - Requires public employers to grant designated union representatives reasonable leave time to engage in specified activities mandated in the bill without loss of pay, seniority or other benefits. Employer may not reduce employee work hours except to prevent employee from working unauthorized overtime. Requires collective bargaining agreement be reopened, upon request of labor union, to negotiate terms and conditions for designated representative's release time, which is leave of absence to engage in labor union business. Employer must provide reasonable term of release time for designative representative to conduct union business. Requires labor union to reimburse employer for compensation paid to designated representative</p>	HR Directors, Business Officers

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	engage in certain activities.		<p>on release time unless otherwise agreed to. Employer and union may enter written agreements to address 1) how authorization for release time must be requested by employee, 2) the length of release time, 3) terms of reimbursement for release time granted. Employee retains reinstatement rights.</p> <p>Reasonable Access to Employees and Information- Employer must provide union reasonable access to employees in bargaining unit including the right to meet with new employees within 30 calendar days of date of hire for at least 30 minutes but not more than 120 minutes. In addition, reasonable access must be provided to meet with employees during regular work hours to investigate and discuss grievances, workplace-related complaints and other matters related to employment relations. Requires employer provide union with specified personal information about employees in bargaining unit, including phone, address, title, and salary. Allows union to use employer's electronic mail system to communicate with employees in unit. Makes labor organization's access to and communication with represented employees a mandatory subject of bargaining.</p> <p>Dues - Allows parties to agree to authorize public employer to deduct union dues and fees from employee's pay. Requires labor organization to provide employer with list of employees who provided authorization for deductions by telephone or in writing (including electronically). Requires employer to deduct amount authorized by employee and remit payments to designated organization or entity. Requires labor organization to defend and indemnify employer who relied on list but made unauthorized deduction. Makes changes required to comply with <i>Janus</i> decision related to fair-share fees.</p> <p>Employers are prohibited from influencing an employee's decision related to union membership or dues' payment authorization.</p> <p>Action: Prepare to renegotiate collective bargaining agreements related to paid excused time activities and release time if request by union to re-open contracts. Allow access to employees and information. Ensure dues authorization policy permits telephonic authorization.</p>	

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HB 2213	Textbook Affordability – Requires each community college and public university to establish textbook affordability plan.	January 1, 2020	<p>Develop “Textbook Affordability” Plan that includes:</p> <ul style="list-style-type: none"> • Measurable goals for increasing textbook affordability, such as:(A) Establishing a target amount of student savings that will result from adoption of the plan; or(B) Requiring that a certain number of courses offered by the community college • Address how to best mitigate the economic impact of decreased academic bookstore revenue • Steps the community college will take to advertise the availability of academic courses designated as using low-cost or no-cost course materials • A statement of support for the academic freedom of faculty and instructors to select high-quality course materials • A process for faculty and instructors to be informed about available low-cost and no-cost course materials <p>At least one student representative must be included and consulted in the development of each textbook affordability plan.</p>	CIA
HB 2263	Accelerated Learning Partnerships – Directs Department of Education, in collaboration with Higher Education Coordinating Commission, to administer Accelerated College Credit Planning Partnership Grant Program to encourage partnerships between school districts and post-secondary	June 4, 2019	<p>The Department of Education, in collaboration with the Higher Education Coordinating Commission, shall administer the Accelerated College Credit Partnership Enhancement Grant Program.</p> <p>(2) Grants shall be distributed for the purpose of enhancing accelerated college credit programs and partnerships.</p> <p>(3) A school district, a post-secondary institution of education or a consortium of post-secondary institutions of education may apply to the department for a grant.</p> <p>Grants shall be awarded under this section based on rules of the State Board of Education.</p> <p>No later than December 1 of each year, the department shall submit a report on the issuance of grants to an interim committee of the Legislative Assembly related to education.</p>	CIA

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	institutions of education to offer accelerated college credit programs.			
HB 2266	OEBB Double Coverage and Employee Opt Out – Directs Public Employees' Benefit Board and Oregon Educators Benefit Board to impose a surcharge on an eligible employee who arranges coverage for spouse or dependent with access to medical coverage as employee in health benefit plan offered by Public Employees' Benefit Board or Oregon Educators Benefit Board.	June 25,2019; OEBB surcharge applies to plan years on or after January 1, 2020; PEBB surcharge applies to plan years on or after January 1, 2021	Removes a statutory provision that was to become effective in October 2019 which would have prohibited college employees who have spouses or dependents who are also covered by health insurance plans offered through OEBB/PEBB from having double coverage. PEBB and OEBB are required under HB 2266 to charge a surcharge for those employees who are double covered. Employers are also allowed to continue to offer cash incentives to employees who chose to decline or opt out of the college's health insurance coverage. This remains at the option of the employer. Action: Reverse any planned changes in policy or procedure that would prohibit an employee from having double coverage through PEBB or OEBB.	HR Directors
HB 2341	Unlawful Employment Practices for Pregnancy, Childbirth or Related Condition - Makes unlawful	January 1, 2020	Unless an undue hardship would result, employers with six or more employees must provide reasonable accommodations to known limitations related to pregnancy, childbirth, or other related medical condition. Provides a private right of action for an employee or job applicant alleging violations. BOLI is directed to develop training and education materials for employers and employees. Requires employer to post signs providing notice of protections to employees and provide written notice to employees at	HR Directors

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	employment practice for employer to, because of known limitations related to pregnancy, childbirth or related medical condition of job applicant or employee, take certain actions related to reasonable accommodations to known limitations related to pregnancy, childbirth or related medical condition.		time of hire, within 6 months of the effective date, or within 10 days of receiving notice of an employee’s pregnancy. Action: Provide written notice to employees and post notice as required. Update reasonable accommodation policies to reflect this new requirement.	
HB 2353	Public Record Request Fines – Authorizes Attorney General, district attorney or court to award penalty to public records requester, or order fee waiver or fee reduction, if public body responds to request with undue delay or fails to be	June 4, 2019	If a college fails to respond to a written public records request in a timely manner or fails to respond completely, district attorney or court may order the college to waive or reduce fees charged to provide requested documents, and may require the college to pay the requester a \$200 penalty. Action: Ensure that public records requests policies and procedures ensure responses to written public records requests without undue delay as permitted by the law.	Business Officers

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	responsive to request.			
HB 2415	Public Contract Retainage Funds - Requires that retainage be placed in interest-bearing escrow account if contract price exceeds \$500,000.	January 1, 2020	For public improvement contracts over \$500,000 in value, funds kept as retainage must be placed in an interest-bearing escrow account. Applies to all contracting agencies. Action: Establish interest-bearing escrow accounts for retainage funds held after effective date.	Business Officers, Public Contracting and Procurement Managers
HB 2496	Public Contracting Green Energy Technology - Includes battery storage in definition of "green energy technology." Defines "total contract price." Permits contracting agency, as alternative to including green energy technology in construction, reconstruction or major renovation of public building, to make expenditure to improve energy use	January 1, 2020	Changes requirements for green energy technology public building projects with total contract price of \$5 million or greater. Defines "total contract price" and excludes costs related to contract solicitation process, moving employees from building, labor costs of employees, etc... Includes battery storage that is part of on-site solar or geothermal energy system in definition of green energy technology. Lowers threshold from 20% to 10% reduction of energy use for passive solar energy building design. Action: No action required unless the college initiates a building project with a total contract price of \$5 million or greater after the effective date. More flexibility is provided to meet the 1.5% green energy requirement in new building projects.	Business Officers, Public Contracting and Procurement Managers

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	efficiency in public building.			
HB 2519	Hazing Policies and Reporting Requires each community college and each college and university operating in this state that offers baccalaureate degree programs and receives state financial aid to adopt written policy on hazing, provide on-campus policy training on hazing and annually report to Legislative Assembly number of hazing incidents reported and investigated by community college, college or university during previous academic year.	January 1, 2020	ACTION: Each community college must do the following three things: 1) adopt a written policy on hazing (as defined in ORS 163.197) 2) provide an annual on-campus training for students that educates them on the harmful effects of hazing and notifies them of the relevant laws and institutional policies that prohibit hazing 3) submit a written report, no later than December 31, annually to the legislature; a single report for all 17 community colleges can be submitted, so long as the following information is disaggregated by institution: a. number of hazing incidents reported to the institution during the last academic year b. Number of hazing incidents investigated by the institution during the last academic year	CSSA
HB 2571	Foster Child Tuition Waiver	June 4, 2019	Current law requires tuition and fees to be waived for an eligible former foster child who "enrolls in" an institution of higher education, but the statute does not define enrollment. House Bill 2571 allows former foster children enrolled in one or more credit hours to receive a tuition waiver.	

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			<p>A waiver may be reduced by the amount an eligible student receives from the Oregon Opportunity Grant and the Pell Grant. The Chaffee Education and Training Grant may not be applied to reduce the tuition waiver.</p> <p>Action: This legislation should not significantly change the way community colleges administer this tuition waiver.</p>	
HB 2660	<p>Unemployment Insurance Benefits for Facilities or Janitorial Staff - Removes prohibition on payment of unemployment insurance benefits to nonprofessional employees of educational institution providing facilities or janitorial services for weeks of unemployment commencing during period between two successive academic years or terms.</p>	January 1, 2020	<p>Applies to a narrow class of facility or janitorial services employees who are hired on a 9-month basis. Most community colleges will not have facilities or janitorial services staff who will be eligible to file for unemployment insurance (UI) as a result of this change because most are hired on a 12-month contract. Eligible employees would still have to meet all other UI requirements to receive benefits.</p> <p>Action: No action is required as a result of this change.</p>	HR Directors
HB 2769	<p>Public Contracting Consideration of Pricing Policies - Permits contracting agency, in conducting procurement for</p>	January 1, 2020	<p>For the hiring of consultants for public improvement projects using the required Qualifications-Based Selection (QBS) process, allows the consideration of pricing policies, proposals or other pricing information of prospective consultants if specified criteria are met. This requires a clear statement in solicitation documents of the following: 1) that a screening process will be used; 2) how prospective consultants will ranked including factors that will be used and how they will be weighted relative to each other; 3) an estimate of the cost of professional services required by the contracting agency; and 4) a</p>	Business Officers, Public Contracting and Procurement Staff

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	architectural, engineering, photogrammetric mapping, transportation planning and land surveying services, to consider pricing policies, proposals and other pricing information as part of screening and selection of consultants in specified circumstances.		<p>sufficiently detailed scope of work; Prospective consultants must be evaluated based on these elements and the ranking must be announced with evaluation scores. Sets criteria for pricing proposals and limits considering of pricing proposals to 15% of total for weighted ranking purposes.</p> <p>Action: Applies to contracts first solicited, advertised, or entered into after January 1, 2020 effective date. Allows rules necessary to implement this change to be adopted by contracting agency after September 29, 2019.</p>	
HB 2910	Oregon Promise Timeline after Correctional Facility Release – Requires that for a person who completes prior educational requirements to participate in Oregon Promise program while confined in correctional facility, the six-month period to enroll in courses in order to participate in the program	January 1, 2020	<p>Students who meet all other eligibility requirements of Oregon Promise while confined in a correctional facility, either serving a sentence of incarceration or as a young person, youth or youth offender, may receive a grant, provided that the person first enrolls in courses within six months after the date on which the person is first released from a correctional facility.</p> <p>“Correctional facility” means any place used for the confinement of young persons, youth or youth offenders or persons charged with or convicted of a crime or otherwise con-fined under a court order, including a: Youth correction facility; Detention facility; Department of Corrections institution; Local correctional facility; or State hospital or a secure intensive community inpatient facility.</p>	

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	begins after the person is first released from the correctional facility.			
HB 3310	Board Elected Seats and Vote Polarization – Prohibits school district, community college district and certain education service district elections from being conducted in manner that impairs ability of members of protected class to have equal opportunity to elect candidates of their choice as result of dilution or abridgment of rights of electors who are members of protected class.	January 1, 2020	Provides a right of action under the voting rights act to prevent school district, education service districts, and community colleges from establishing elected board member seats and conducting elections in a manner that dilutes to the voting power of defined protected classes. Protected classes are those voters defined in federal law who are distinguished by race, color or language minority. The Oregon Secretary of State is required to develop a guide which outlines the new provisions in this law and how an elector making a claim must provide notice to the college, as well as the options available to the college’s board or district to remedy a claim. Establishes criteria a district court must consider if a formal claim is filed in the circuit court. Creates a process for a college to use to change the mode of election of board of education members if needed to respond to and remedy a violation of this law. Action: If college board members are elected by zone, ensure that any adjustments to zone boundaries required after the 2020 census to not dilute the voting power of protected classes.	OPC, Boards
HB 3415	Sexual Assault and Harassment Policies and Training – Requires institutions of higher education to both adopt	January 1, 2020; Requirements related to written policies and information provided to	Requires community colleges and universities to adopt written policies related to sexual harassment, sexual assault, domestic violence, dating violence and stalking that occurs both on and off campus. Codifies in Oregon law definition of sexual harassment currently contained in federal rules. A statement from the institution written in easy to read and understand language about how these allegations will be handled must be made available to students during orientation, when an allegation is reported, and on the institution’s	HR Directors, Business Officers, CSSA

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	written policies and require certain individuals to participate in annual training on sexual harassment, sexual assault, domestic violence, dating violence and stalking.	students first apply to 2020-21 academic year	website. Requires annual training of specified college staff including Title IX coordinators, investigators, advisors, and public safety officers. Topics that must be included in annual training are set out in the bill. Action: Update existing policies, procedures, and information provided to students for 2020-21 academic year. Ensure that staff receive required annual training.	
SB 3	Applied Baccalaureate Degree Programs – Permits community colleges to offer applied baccalaureate degree programs under specified conditions and upon receiving approval from Higher Education Coordinating Commission.	January 1, 2020	Under SB 3, a community college could only offer applied baccalaureate degrees after completing a process through the Higher Education Coordinating Commission. For each applied baccalaureate degree program, a community college wants to offer the community college must submit: (a) A description of the program to be offered; (b) The method by which the program will be created, including any necessary accreditation by the relevant accrediting agency; (c) Documentation of local unmet workforce needs that would be addressed by offering the program; and (d) Documentation that the community college has the expertise, resources and student interest necessary to make the program successful. Action: SB 3 is permissive, and a college must only take action should they want to begin an applied baccalaureate program.	OPC, Boards, CIA
SB 79	Debt Collections – Provides that Department of Revenue may assist certain public bodies	January 1, 2020	Allows community colleges to assign delinquent accounts to the Oregon Department of Revenue for collection. The department will develop criteria related to the types of accounts and minimum dollar amounts that can be assigned.	Business Officers

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	in collecting delinquent accounts, subject to certain limitations.		Action: Review administrative policies and procedures to add process for assigning accounts to the Department of Revenue consistent with criteria developed by the department.	
SB 90	Single-Use Straws	January 1, 2020	SB 90 prohibits food and beverage providers or convenience stores from providing single-use plastic straws to consumers unless consumers specifically request a single-use plastic straw. The first two violations are warnings; subsequent violations bring a \$25 fine, up to \$300 a year.	Business Officers
SB 123	Pay Equity Law Clarifications and Corrections – Provides that an employer is not in violation of pay equity requirements for paying a different level of compensation to an employee who is performing modified work in certain circumstances.	January 1, 2020	Amends the pay equity law passed in 2017 to clarify several issues related to bona fide factors as allowable pay differentials and collective bargaining agreements. Prohibits use of equal pay analysis as an admission of liability. Clarifies when pay differential is allowed for modified work involving medical conditions as long as not discriminatory based on protected class status. Modifies standard to award compensatory and punitive damages in claim brought against employer. BOLI is expected to re-open rulemaking and clarify provisions of the law where concerns were raised about the rules exceeding statutory provisions and legislative intent. Action: Continue to review pay equity analysis and adjust policies as needed. Participate in BOLI rulemaking process to ensure that concerns of post-secondary education institutions are heard.	HR Directors
SB 160	Credit Award for IB Exam (SB 160) – Requires public institutions of higher education to provide credit to each student who receives grade of four or higher on International	January 1, 2020	Each public institution of higher education shall award academic credit in each instance in which an incoming student enrolled at the institution has received a four, five, six or seven on an International Baccalaureate (IB) exam. A public institution of higher education may notify the Higher Education Coordinating Commission if the institution considers it necessary to require that, in order to receive academic credit, incoming enrolled students receive a score of higher than four on one or more IB exams. Upon receipt of notice, the commission shall convene a committee to determine whether the institution may require a score of higher than four on the identified IB exam.	CIA

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	Baccalaureate (IB) exam.			
SB 234	Federal Vocational Rehabilitation Education Benefits for Military Dependents	January 1, 2020	<p>Although Oregon provides in-state tuition for eligible veterans, a conflicting provision exists in current state law that specifically requires recipients of vocational rehabilitation benefits to pay full nonresident tuition. This provision causes some institutions of higher education to differentiate between student veterans: those who receive tuition assistance via the G.I. Bill pay in-state rates, and those who receive tuition assistance through vocational rehabilitation benefits pay nonresident rates.</p> <p>Senate Bill 234-A allows nonresident student veterans and their dependents receiving federal vocational rehabilitation benefits to be charged in-state tuition and fee rates.</p> <p>Action: If a college is currently charging veterans receiving vocational rehabilitation benefits non-resident tuition, they may change the policy to charge resident tuition.</p>	CSSA, OPC, Boards, Business Officers
SB 312	Resident Tuition for Native American/Alaska Native Graduates of Oregon High Schools	June 7, 2019	<p>Senate Bill 312 would require Oregon public universities and community colleges to charge in-state tuition to nonresident Native American or Alaska Native undergraduate and graduate students who graduated from an Oregon public or private high school.</p> <p>Action: Colleges must charge resident Native American or Native Alaskan students no higher than the resident rate.</p>	CSSA, OPC, Boards, Business Officers
SB 455	Higher Education Construction Contract Registered Training Agent Requirements – Requires certain	January 1, 2021	Requires contractor to be a registered training agent on all contracts awarded by a community college or university that are funded in part or in full with proceeds from state bonds, and have a cost of over \$8 million. In addition, colleges must require contractors to ensure subcontractors are also registered training agents if cost of the subcontract is at least \$200,000, and contractors must have plans to ensure outreach to women and minority businesses to do work under the contract. The requirements related to	Business Officers, Procurement and Public Contracting

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	institutions of higher education to require contractors to employ apprentices and to establish and execute a plan for outreach, recruitment and retention of women and minority individuals for certain work relating to improvements to real property.		<p>subcontractors and outreach plans do not apply if compliance would 1) create unreasonable expense or delay, or 2) result in pool of fewer than 3 bidders. Requires annual report to Joint Ways and Means Committee by February 1 by colleges and universities with qualified contracts on the amount of work performed by apprentices, women and minorities.</p> <p>Action: Ensure that contract provisions reflect new provisions related to subcontractors and outreach to women and minority business. Develop system for tracking amount of work performed by apprentices, women and minorities on qualified contracts that cost more than \$8 million for annual reporting to Legislature.</p>	
SB 479	Workplace Harassment Policies – Requires public employers to adopt policies to prevent workplace harassment.	<p>September 29, 2019 – BOLI must adopt rules to administer and enforce new law.</p> <p>January 1, 2020 – written policies and procedures</p> <p>October 1, 2020 – non-disclosure/ non-disparagement agreements</p>	All public employers must establish and adopt written policies to prevent workplace harassment that apply to all public officials, volunteers and interns. The policy must: 1) include a statement prohibiting workplace harassment, 2) provide information about victim’s right to seek redress including timelines, 3) state a victim’s right to protection from retaliation, 4) explain a victim’s right to voluntarily disclose information about an incident, 5) provide information to connect victim to legal resources and other support services, 6) state employer may not force employee to enter into non-disclosure/non-disparagement agreement and explain right to voluntarily enter into a settlement agreement, 7) advises employees and employer to document any incidents of workplace harassment. Copies of the policy must be provided to each employee and be included in orientation materials provided to new employees upon hire. In addition, employers must develop policies and procedures for the prompt investigation of reports of workplace harassment that address recordkeeping, complaint process, person responsible for receiving reports, and follow up with victim after report. Creates unfair labor practice and limits circumstances under which employer may enter into settlement, separation or severance agreement and what it may include. See also SB 726.	HR Directors

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			Action: Update workplace harassment policies and procedures to reflect new requirements. BOLI is required to provide model policies and procedures (per SB 726). Ensure settlement, separation and non-disclosure/ non-disparagement agreements are consistent with new law.	
SB 576	Public Safety Operations – Imposes certain requirements related to private security providers who contract with or are employed by institutions of higher education to provide private security services on campus.	January 1, 2020	<p>Requires nationwide criminal background check of security officers employed or contracted by community colleges. Clarifies that these security officers do not have stop and frisk authority as “private security professionals”. Allows law enforcement agencies to share information for purposes of hiring security officers. Includes new requirement for security vehicles and uniforms. Requires security vehicles used on campus to have: 1) GPS device that retains information for at least 90 days, 2) video camera that records scene and retained for at least 90 days, OR 3) a dispatch system for which call recordings are kept for at least 90 days. Vehicles must be clearly identified as campus vehicle on front, may not have red and blue light bars, may not have PIT bumpers that are intended to cause vehicle stalls, may not have cages between front and rear seats. Requires uniforms to be “easily differentiated” from law enforcement officer uniform including but not limited to clearly marked “campus security” or use of school logo/ colors. When making probable cause arrest, the college must promptly notify local law enforcement and may not retain evidence related to the arrest. Contracted security providing services at temporary event must follow all requirements and these must be included in terms of the contract. PERS retirees employed by community colleges as security officers are exempt from the PERS hours limitation after the effective date of January 1, 2020.</p> <p>Action: Ensure that nationwide criminal record background checks are conducted for all security officers on campus. Make changes required to vehicles and uniforms. If needed add GPS device or video camera to cars or have a dispatch system in place; all of which provide at least 90 days of records. Update contracts for contracted or temporary event security providers to include new requirements of the law.</p>	Business Officers, HR Directors, Public Safety Directors
SB 684	Data Protection	January 1, 2020	<p>This bill amends the Oregon Consumer Identity Theft Protection Act (“OCITPA”) by extending data breach notification obligations to vendors and by broadening the definition of “personal information” to include information used to access an online account.</p> <p>The bill also renames the Act to Oregon Consumer Information Protection Act or “OCIPA”.</p>	Business Officers IT Managers

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			<p>Vendors, defined as entities who contract with a covered entity to “maintain, store, manage, process or otherwise access personal information.” Such vendors must now notify covered entities no later than 10 days after discovering a breach, and must also notify the Oregon Attorney General of breaches affecting more than 250 Oregon residents, or if the vendor cannot determine the number that were affected, unless a covered entity has already notified the Attorney General of the breach. SB 684 also broadens the definition of “personal information” to include user names and passwords or similar means to access an individual’s account.</p> <p>Key changes to the data breach notification law include:</p> <ul style="list-style-type: none"> • Expanding the definition of “breach of security” to cover personal information that a person “maintains or possesses” (where previously only information a person “maintains” was covered); • Adding an individual’s account username and password (or other means of account identification and authentication) to the definition of “personal information” sufficient to trigger breach notification obligations—whether or not combined with the individual’s real name; • Defining the terms “covered entity” and “vendor,” to replace the cumbersome language in the current statute; • Creating new obligations for “vendors,” including a requirement to notify the applicable covered entity within 10 days of discovery of a breach, and a requirement that the vendor notify the state Attorney General if said breach affects more than 250 consumers or an undetermined number of consumers (notification to the covered entity was previously only required “as soon as is practicable” after discovery, and vendors had no obligation to notify the Attorney General); and, • Specifying that covered entities or vendors in compliance with HIPAA or the GLBA (and subject thereto) are exempt from the state’s data breach notification requirements, and adding that compliance with the data security safeguards set forth in HIPAA or the GLBA may be raised as an affirmative defense in any action 	

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			alleging that a covered entity or vendor has failed to comply with OCIPA's own data security safeguarding requirements.	
SB 689	Residency of Spouses or Dependent Children of Active Military Members	January 1, 2020	<p>Senate Bill 689 permits dependents of service members, who are considered residents at the time of their admission to a community college or public university, to be considered residents as long as they are continuously enrolled, even if the service member is assigned to duty out-of-state.</p> <p>Action: Update tuition and fee policy if currently would not allow a continuously enrolled dependent student to pay resident tuition and fees, even if the service member is assigned to duty of-of-state.</p>	Registrars, CSSA, Business Officers
SB 726	Harassment and Discrimination Policies and Nondisclosure Agreements - Makes unlawful employment practice for employer to enter agreement that would prevent employee from disclosing or discussing conduct that constitutes unlawful discrimination, including sexual assault.	<p>September 29, 2019 – BOLI must issue rules, and timelines for filing complaint alleging unfair employment practice.</p> <p>October 1, 2020 – policies and procedure and agreements.</p>	<p>Companion bill to SB 479 related to non-disclosure/ non-disparagement agreements that prevent an employee from discussing or disclosing discriminatory conduct that constitutes a sexual assault or discrimination based on protected status, military service, or disability and occurring in the workplace or at a work-related event, or between and employer or employee. In addition, it requires all employers in Oregon to adopt policies and procedures to reduce and prevent discrimination, including sexual assault. BOLI is required to develop model procedure or policies that employers may use as guidance.</p> <p>Action: Update discrimination policies and procedures to reflect new requirements using BOLI model policies. Ensure settlement, separation and non-disclosure/ non-disparagement agreements are consistent with new law.</p>	HR Directors

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SB 731	Student Government Political Activities	September 29, 2019	<p>Allows student government of a community college and student government members to make statements or resolutions in support of or opposition to political candidates, initiative petitions or ballot measures without violating restrictions that apply to other public officials. Student fees may be used to facilitate the student governments' ability to take such positions (such as room rentals and printing) but student fees may not otherwise be used for election activities including signature gathering, support for or opposition to candidates or ballot measure.</p> <p>Action: Share information about the ability of student governments to take such actions with ASG advisors and administrators. Revise college policies or procedures as needed to reflect this change.</p>	CSSA
SB 1049	PERS Rate Reduction and Employee Contributions – Redirects portion of employee contributions of member of Public Employees Retirement System to employee pension stability account.	Multiple – See attached summary below.	<p>PERS is currently working to develop rules and processes necessary to implement new requirements contained in the law. Updates will be posted on the following website. https://www.oregon.gov/pers/MEM/Pages/SB1049.aspx</p> <p>Action: Regularly monitor PERS webpage and sign up for GovDelivery. Consider developing criteria and procedure for allowing retirees to continue to work unlimited hours following retirement under the “Work After Retirement” provisions. Employers retain the authority to decide whether continued work is “in the public interest” of the employer. Review new requirements related to issuing pension obligation bonds and participation on employer incentive fund.</p>	OPC, HR Directors, Business Officers

Please contact OCCA staff if you have any questions related to the bills summarized in this report by phone at 503-399-9912 or email at occa@occa17.com.

**SB 1049 – PERS Rate Reduction/Savings
Summary**

SB 1049 makes several changes to provide PERS rate relief to public employers. The bill does not impact 2019-21 PERS rates but will have the effect of reducing expected system-wide employer rate increases in the 2021-23 biennium by an estimated 5.43% or \$1.2 to \$1.8 billion a biennium. This is accomplished by changing the amortization period for existing Tier 1/2 liabilities, modifying future retiree benefits by redirecting employee Individual Account Program (IAP) contributions and limiting final average salary calculations, allowing retirees to work after retirement without limitation but requiring employers to continue to make employer contributions to apply toward existing unfunded liabilities. The bill also provides Individual Account member choice in selecting investment options, adds new requirements before local governments may issue Pension Obligation Bonds, and requires the PERS Board to report to the Legislature on changes to actuarial methods and assumptions. SB 1049 includes a \$100 million General Fund appropriation and directs the transfer of Lottery Funds from sports betting games to be used as state matching funds for employer contributions into new or existing side accounts created through the Employer Incentive Funds program created in 2018. The bill provides for expedited review by the Supreme Court if challenged before August 12, 2019. The bill is effective on passage to allow PERS to begin work on implementation related issues but there are various operative and sunset dates as noted below.

Enrolled bill - <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB1049/Enrolled>

Provision	Section/s	Effective Date	Summary of Provision
Employee IAP Contribution Redirect to PERS System	1, 4 to 19	July 1, 2020	<ul style="list-style-type: none"> • Until PERS funded status reaches 90%, a portion of employee IAP 6% defined contribution benefit is redirected to the employee’s defined benefit/pension account (Employee Pension Stability Account). • Applies to employees with earnings of more \$2,500/month (\$30,000/year) • Employees can contribute additional funds to IAP on after-tax basis • Redirected PERS-eligible salary/wages differ as follows: Tier 1/2 employees – 2.5%; OPSRP employees - .75%
Employer Lump Sum Payments	20-21	Section 20 – payments prior	For a specified period, allows employers to making lump sum payments equal to or greater than \$10 million to a side account to choose the starting date for amortization period used for the lump

		to January 1, 2024; Section 21 – effective January 1, 2024	sum payment to offset contributions to PERS. Use cannot exceed 20 years. If employer chooses start date to apply to lump sum payment, it will not qualify as a lump sum payment to the EIF (see below).
Pension Obligation Bonds	22	June 11, 2019	Before issuing pension obligation bonds, requires a public body to obtain a statistically based assessment from an independent economic or financial consulting firm regarding the likelihood that investment returns on bond proceeds will exceed the interest cost of the bonds under various market conditions. A report must be made available to the public that describes the results of the assessment, and discloses whether the public body retained the services of an independent SEC-registered advisor (as defined by federal law). The report must be submitted to the State Treasurer at least 30 days prior to issuing bonds. The State Treasurer must report annually to the State Debt Policy Advisory Commission.
UAL Re-amortization	27-28	“In year 2019”; repealed January 1, 2020	Provides one-time re-amortization of 2019 Tier 1/2 unfunded actuarial liability from 20 years to 22 years. Results in rate reduction of 3.9% in 2021-23 biennium.
Employee Investment Choice	29-30	January 1, 2021	Allows PERS members to choose investment options for IAP accounts. Currently there is no choice and accounts are invested in age-based target-date funds.
Work After Retirement	35-38	Calendar years 2020-2024; repealed January 2, 2025	Allows all Tier 1/2 and OPSRP retirees to continue to work for public employer for unlimited hours while still drawing a pension except those employees who retire early. Early retirees must take a 6 month break in in service to come back and work unlimited hours. If they don’t, they are still subject to 1049 hours limitation. Public employer determines if continued work is “in the public interest.” Employer must continue to make percentage of wages contribution to PERS as if employee was still an active member. This contribution

			is considered in addition to the normal contribution and is applied toward existing liabilities of the employer. The employee does not accrue additional retirement benefits. Neither employee nor employer will make IAP contributions.
Final Average Salary Limitation	39-40	January 1, 2020	For Tier 1/2 and OPSRP employees retiring under Formula Plus Annuity and Full Formula benefit plans, Final Average Salary is limited to \$195,000 when calculating benefit going forward from 2020 and future years. The salary cap applies to all PERS subject salary paid by the employer including regular pay, vacation payouts, and overtime pay. The cap is indexed annually based on CPI. The limit also applies to contributions and benefits calculations for both employee AND employer. The sick leave program is not impacted by the salary cap.
Employer Incentive Fund	46-55, 58	June 11, 2019; proceeds diversion repealed December 31, 2041.	Appropriates \$100 million in one-time funds to Employer Incentive Fund established in 2018 as up to 25% match of employer funds. Proceeds from new sports betting lottery are also directed to the EIF as state match to employer lump sum contributions. Supplemental deposits from non-pension obligation bond fund proceeds of at least \$25,000 are eligible for employer matching program. PERS developing an 18 month windows for applications for local funds' deposits. Employers with UAL greater than 200% of payroll will receive priority for first 90 days of program implementation and then process will be opened to others. Applications are on first come-first served basis. PERS is planning to have first funding cycle open as soon as possible so initial deposits can be made before December 31, 2019.
Reporting by PERS Board	57	June 11, 2019	PERS Board must provide a report to the Legislature's Joint Ways and Means Committee at least 30 days prior to adopting changes to actuarial methods and assumptions. The report must detail proposed changes and the associated, actuarially determined impact

			to the total liability of the system, the accrued liability of the system and employer contribution rates.
Supreme Court Expedited Review	65	June 11, 2019	Provides for direct expedited review by Supreme Court. Petition challenging the law must be filed within 60 days of effective date.