

2015 ORS 659A.290¹

Prohibited conduct by employer

- **records confidential**

(1) As used in this section:

- (a) "Reasonable safety accommodation" may include, but is not limited to, a transfer, reassignment, modified schedule, use of available paid leave from employment, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure or any other adjustment to a job structure, workplace facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault or stalking.
- (b) "Victim of domestic violence" has the meaning given that term in ORS 659A.270 (Definitions for ORS 659A.270 to 659A.285).
- (c) "Victim of harassment" has the meaning given that term in ORS 659A.270 (Definitions for ORS 659A.270 to 659A.285).
- (d) "Victim of sexual assault" has the meaning given that term in ORS 659A.270 (Definitions for ORS 659A.270 to 659A.285).
- (e) "Victim of stalking" has the meaning given that term in ORS 659A.270 (Definitions for ORS 659A.270 to 659A.285).

(2) It is an unlawful employment practice for an employer to:

- (a) Refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, harassment, sexual assault or stalking.
- (b) Discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an individual with regard to promotion, compensation or other terms, conditions or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault or stalking.
- (c) Refuse to make a reasonable safety accommodation requested by an individual who is a victim of domestic violence, harassment, sexual assault or stalking, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer, as determined under ORS 659A.121 (Undue hardship).

- (3)** (a) Prior to making a reasonable safety accommodation, an employer may require an individual to provide certification that the individual is a victim of domestic violence, harassment, sexual assault or stalking.
- (b) An individual must provide a certification required under paragraph (a) of this subsection within a reasonable time after receiving the employer's request for certification.
- (c) Any of the following constitutes sufficient certification:
- (A) A copy of a police report indicating that the individual was or is a victim of domestic violence, harassment, sexual assault or stalking.
- (B) A copy of a protective order or other evidence from a court, administrative agency or attorney that the individual appeared in or is preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking.
- (C) Documentation from an attorney, law enforcement officer, health care professional, licensed mental health professional or counselor, member of the clergy or victim services provider that the individual was or is undergoing treatment or counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.
- (d) All records and information kept by an employer regarding a reasonable safety accommodation made for an individual are confidential and may not be released without the express permission of the individual, unless otherwise required by law. [2009 c.478 §2; 2011 c.687 §4; 2013 c.613 §3]

¹ Legislative Counsel Committee, *CHAPTER 659A—Unlawful Discrimination in Employment, Public Accommodations*, https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html (2015) (last accessed Jul. 16, 2016).