

The Compliance News Hour

Live Updates in Federal, State & Local Law

This is a fictional scenario that is entirely imagined and intended only to provide a context for discussions of current legal issues and potential workplace interactions. Any resemblance to actual persons, names, events or circumstances is entirely coincidental and not intentional. In addition, the information and related discussion is not intended as legal advice, and is for general informational and educational purposes only. While we hope it is informative, it also does not fully address the complexity of the issues or steps employers must take under applicable laws—which are also subject to change, even frequently, with or without prior notice. You should not act upon any information provided without seeking professional legal counsel tailored to your specific situation. For legal advice on these or related issues, please consult qualified legal counsel directly.

Oregon Update

Oregon Federal Court Verdicts

LIVE ●

Federal court: 5 jury trials

- Defense verdicts: 0
- Plaintiff verdicts: 5



Range of Damages



Oregon State Court Verdicts

LIVE ●

State court: 6 jury trials

- Defense verdict: 1 (Coos)
- Plaintiff verdicts: 5 (Multnomah (3), Baker (1), Lane (1))



Range of
Damages

\$35,000

\$200,000

\$275,000

\$345,000

\$1,700,000

Oregon State Court Plaintiff Verdicts

LIVE ●

Multnomah County

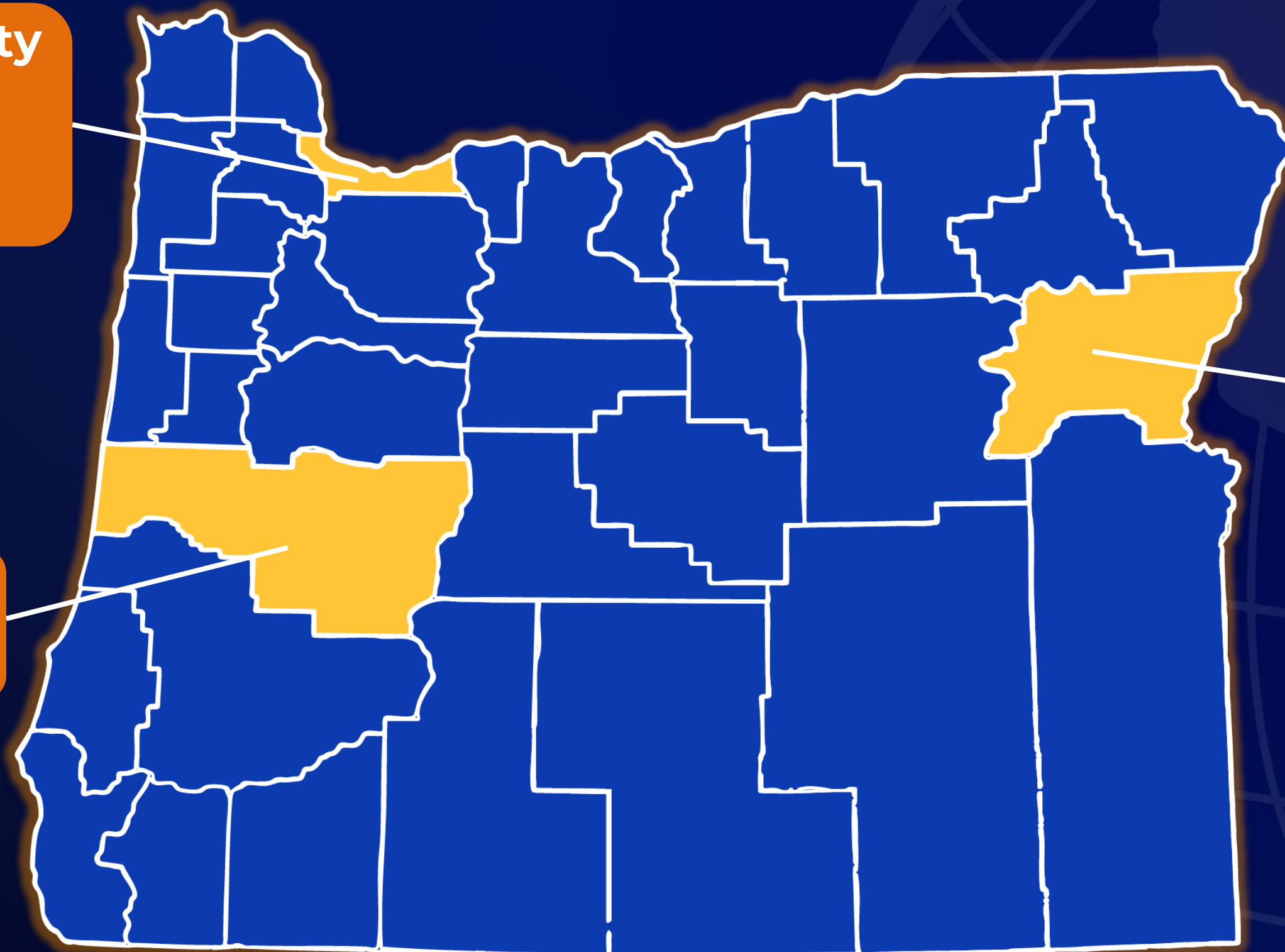
\$35,000
\$275,000
\$1,700,000

Lane County

\$345,000

Baker County

\$200,000



House Bill 3147: Seeking Age-Related Information During Hiring Process

LIVE ●



- Prior to completing an initial interview (or, if no interview, prior to making a conditional offer of employment), employers, prospective employers, and employment agencies can no longer request or require disclosure of:
 - An applicant's age or date of birth; or
 - When the applicant attended or graduated from an educational institution



- Exceptions:
 - When the information is required to:
 - Affirm that the applicant meets bona fide occupational qualifications; or
 - Comply with applicable law

Effective Date: September 26, 2025

Senate Bill 951 & House Bill 3410

LIVE ●

- Noncompetition agreements involving “medical licensees” are void and unenforceable, except in three circumstances:
 1. The medical licensee has an ownership or membership interest in the employer equivalent to 1.5 percent.
 2. The agreement is with a professional medical entity that provides the medical licensee with documentation of the entity’s “recruitment investment” and the term of the agreement is not longer than:
 - Five years after their hire date (if they engage directly in providing medical/health care services or clinical care in a county in Oregon designated as a health professional shortage area); or
 - Three years after their hire date (if they do not engage directly in providing medical/health care services or clinical care).
 3. The medical licensee does not engage directly in providing medical services, health care services, or clinical care.
- “Medical licensee” – individuals licensed to practice medicine and naturopathic medicine, nurse practitioners, and physician associates

Senate Bill 951 & House Bill 3410

LIVE ●

- Nondisclosure and nondisparagement agreements with “medical licensees” are void and unenforceable, except in the following circumstances:
 - When the employment relationship has ended; or
 - When the agreement is included as part of a negotiated settlement.
- “Nondisclosure agreement” – any agreement that prohibits disclosure of:
 - Use of a required policy or practice in patient care (other than HIPAA-protected information);
 - Policy or practice associated with employment;
 - Any other information to which they had access by reason of their employment or provision of services (other than trade secrets or proprietary information)
- “Nondisparagement agreement”
 - Any agreement that requires medical licensee to refrain from making a third party statement about another party to the agreement or a third-party beneficiary of the agreement, the effect of which causes or threatens to cause harm to their reputation, business relations, or economic interests

Senate Bill 906: Required Statements

LIVE ●

- At the time of hire, employers must provide employees with a written explanation of the earnings and deductions listed on itemized wage statements
 - Established regular pay period;
 - All types of pay rates that employees may be eligible for
 - Hourly pay, salary pay, shift differentials, piece-rate pay, and commission-based pay;
 - Every type of deduction that may apply and the purpose of such deductions;
 - Allowances, if any, claimed as part of minimum wage;
 - Employer-provided benefits that may appear on the itemized statements as contributions and deductions; and
 - All payroll codes used for pay rates and deductions, along with a detailed description or definition of each code.
- Stay tuned for BOLI's model written guidance

Effective Date: January 1, 2026

OAR 839-005-0010 and OAR 839-005-0030

LIVE ●

- New definitions of “appropriate corrective action” and “promptly correcting harassing behavior”
- Clarifies that an employer must
 - Intervene without avoidable delay to effectively halt harassing behavior;
 - Adequately investigate and ascertain the extent of harassing behavior;
 - Take appropriate disciplinary measures proportionate to the seriousness of the offense;
 - Not penalize the reporting employee or make the aggrieved party worse off; and
 - Effectively act to prevent further harassment or retaliation against the reporting employee or aggrieved party for reporting or exercising rights concerning harassing behavior

Effective Date: February 1, 2025

Quick Headlines

- House Bill 2541: Expands Lactation Break Entitlements to Agricultural Workers
 - Beginning May 7, 2025, employers with more than 10 employees to provide reasonable unpaid rest periods to accommodate certain individuals employed in agriculture who need to express milk for up to 18 months after the child's birth.
- Senate Bill 1108: Expands Oregon Sick Leave Qualifying Reasons
 - Employees may use protected sick leave to donate blood in connection with a voluntary program approved or accredited by the American Association of Blood Banks or the American Red Cross
- Senate Bill 968: Guidelines for Public Employers to Recover Overpayments
 - Beginning January 1, 2026, public employers may deduct erroneous overpayments from wages paid to certain public employees

Trainor v. Vigor Marine, LLC

LIVE ●

- At issue: whether an adverse employment action taken 13 months after the plaintiff engaged in protected activity was enough – by itself – to establish that the defendant employer retaliated against the plaintiff?
- No!
 - The temporal proximity between protected activity and an adverse employment action can be evidence of discriminatory or retaliatory treatment
 - But: a gap of 13 months (without other facts in play) is not sufficient
- Takeaways
 - Fact-specific inquiries
 - Continue to evaluate the full picture when considering employee discipline
 - Has the employee reported a concern about safety, compliance, or some other potential violation of law?
 - What is the basis for the discipline?
 - How close in time is the disciplinary action to the protected activity?

Cooper v. Rust

LIVE ●

- At issue: whether an employee can be subject to retaliation despite not having any more protected sick time?
- Yes!
 - Employers may not retaliate against an employee for requesting sick time, even if the employee doesn't have any protected sick time available
- Takeaways
 - Employees don't need to use specific language to request an accommodation and begin the interactive process
 - Continue to determine whether protections under the ADA or Oregon law apply when an employee is seeking treatment for and recovery from a medical condition

Reported By

LIVE ●



Stacie Damazo

Miller Nash LLP

Stacie.Damazo@MillerNash.com