GARRETT HEMANN ROBERTSON P.C.

Employment Law Update

February 12, 2026





Housekeeping Items

1. 90-minute presentation & Q&A
2. Enter Questions throughout the presentation
3. Slides & Recording available to attendees
4. Get alerts about new events, webinars and content by subscribing at xeniumhr.com

YOUR HOSTS



Luke Reese

Attorney

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Xenium HR

What we will cover

- Updates from the 2025 Oregon Legislative Session
- Changes that should be implemented
- New laws of which to be aware
- Trends from claims and lawsuits
- Questions from group

This session is meant to be educational.
Consult with a professional for individualized advice.



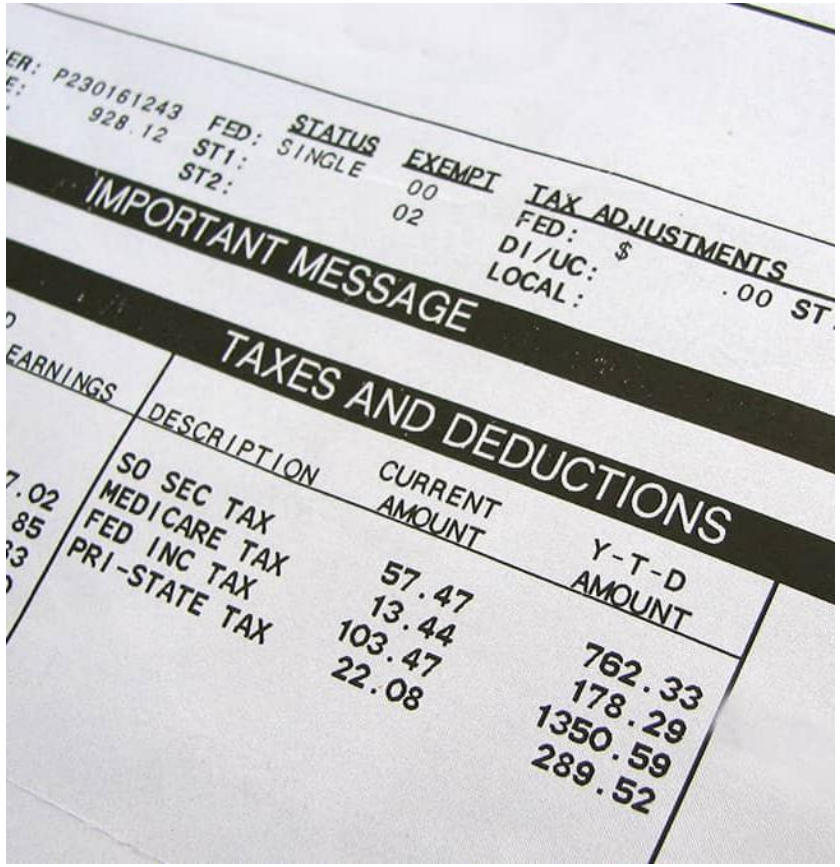
Oregon Updates

Employee Payroll Information Effective 1/1/26

- Employers are required to provide a “cheat sheet” for the pay codes often seen on payroll documents presented to employees.

- Employers must also provide other basic employer payroll information, including the pay period used, all types of pay rates employees may receive, all benefit deductions and contributions, and other payroll deductions and their purposes.

- BOLI summary guidance
- BOLI template notice



Unemployment Benefits for Striking Workers Effective 1/1/26

- Repeals the long-standing prohibition on unemployment benefits for striking workers.
- Striking workers who are otherwise eligible for unemployment benefits are now not disqualified for any week that the individual is unemployed due to a strike or lockout.
- Striking workers must wait two weeks before qualifying for benefits, which are also capped at 10 weeks.
- Employee is required to repay the benefits if they are overpaid due to later receipt of back pay.

Oregon Paid Leave Effective 9/26/25

- Employees may now use their accrued Oregon Paid Sick Leave for any reason available under the Paid Leave Oregon program.
- Employees may now use Oregon Paid Sick Leave to donate blood.
- Employers are now authorized to request a medical return-to-work certification from the employee's health provider.
- Oregon employees who appeal a denial of an Oregon Paid Leave claim may now file a charge with BOLI about the claim while the appeal is pending.

New BOLI Employer Assistance Division Effective 9/26/25

- Employer's communications are confidential in working with BOLI under this division.

- An employer may, but does not have to, request disclosure in a future proceeding to show it acted with BOLI in good faith.

- BOLI is authorized to issue and publish advisory opinions on the interpretation and application of laws over which BOLI has enforcement authority.

OREGON BUREAU OF LABOR & INDUSTRIES

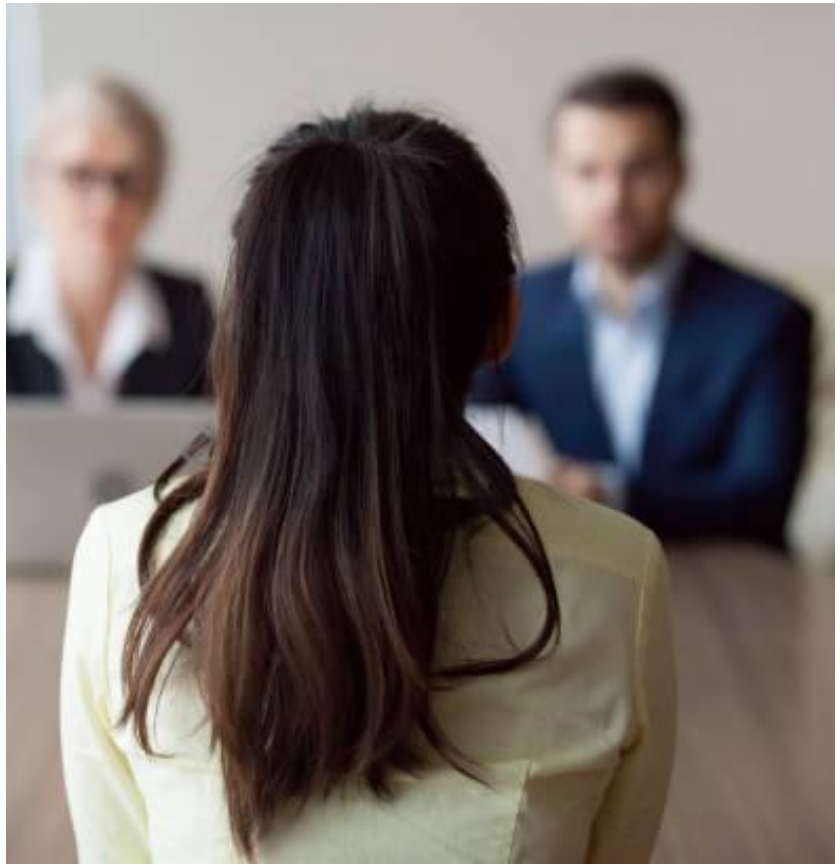
Additional Restrictions on Job Applicants' Demographics Effective 9/26/25

- Prohibits employers from requesting or requiring an applicant's age, date of birth, or date of graduation form any educational institution prior to completing an initial interview or, if there is no initial interview, prior to making a conditional offer of employment.

- Two Exceptions:

    1. When the employer needs the information to comply with an applicable law; or,

    2. When the information is required to affirm the applicant meets bona fide occupational qualifications.



Time Limits for Filing Complaints of Discrimination Effective 6/24/25

- Previously, after an employee filed a complaint with BOLI and BOLI issued a decision, the employee had 90 days in which to start a lawsuit.
- Employees have the greater of 90 days from BOLI's issuance or a decision or 5 years from the date of the alleged harassment.
- The law also makes it illegal for an employer to try to shorten the BOLI time limits by agreement.
  - *Review policies and make sure documents are retained.*

Noncompetition Agreements in the Health Care Industry Effective 6/9/25

- Most noncompetition agreements between licensed medical professionals and their employers are considered void and unenforceable. Applies to both future and current agreements.
- Exceptions are for licensed medical professionals who own at least 1.5% equity in the company, and when the employer makes a “recruitment investment,” such as a signing bonus or relocation allocation of greater than 20% of the employee’s annual salary
- The rules also do not apply to licensed medical professionals who serve an administrative and not patient treatment role.
- The same rules also limit the use of nondisclosure and non-disparagement agreements that are not directly related to an employer’s proprietary or trade secret information.

Agricultural Workers Unpaid Rest Breaks to Express Milk Effective 5/7/25



Employers required to provide a reasonable unpaid rest period and a private location for employees to express breast milk.



Trends From Claims & Lawsuits

Activity & Guidance

- More trials
- Verdict values are growing, but defense verdicts continue
- Consistent documentation throughout process



Questions



CONNECT

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