

REVENUE: No revenue impact

FISCAL: No fiscal impact

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| Action: | Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar |
| Vote: | 6 - 0 - 1 |
| Yeas: | Berger, Edwards C., Holvey, Rosenbaum, Smith P., Schaufler |
| Nays: | 0 |
| Exc.: | Esquivel |
| Prepared By: | Theresa Van Winkle, Administrator |
| Meeting Dates: | 1/17, 3/12 |

WHAT THE MEASURE DOES: Expands definition of "employer" for purposes of Oregon Safe Employment Act to include successor employers. Defines a "successor" as a business or enterprise that is substantially the same entity as the predecessor employer.

ISSUES DISCUSSED:

- Difficulty in imposing violations on successor employers
- Process of imposing workplace safety citations
- Measure's effect on bankruptcy proceedings
- Why administrative rule process needs to be used in determining whether the criteria for a successor employer

EFFECT OF COMMITTEE AMENDMENT: Allows the Department of Consumer and Business Services to establish by administrative rule the criteria for determining whether a business is a successor employer.

BACKGROUND: Current statute does not provide the Oregon Occupational Safety and Health Division (Oregon-OSHA) the authority to hold a successor employer responsible for current/future workplace safety citations if the successor is a substantial continuation of the original business.

Expansion of the "employer" definition enables Oregon-OSHA to hold a successor employer accountable for safety violations, the classification of a current violation as a "repeat violation," and for collecting civil penalties. The statutory change will not hold the business principals personally responsible for violations, but will hold the business responsible for the original employer's actions prior to the ownership change.