

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3162 **STATUS:** A Engrossed
SUBJECT: Establishes that it is an unlawful employment practice to discriminate against a person who reports a violation of state or federal laws, rules, or regulations.
GOVERNMENT UNIT AFFECTED: Bureau of Labor and Industries, Judicial Department
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REVIEWED BY: Steve Bender, John Borden
DATE: April 30, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Analysis		

EFFECTIVE DATE: January 1, 2010

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: HB 3162 has an indeterminate, minimal fiscal impact.

HB 3162 provides that it is an unlawful employment practice to discriminate against a person who reports a violation of state or federal laws, rules, regulations, and expands the protected class of persons under ORS chapter 659 A. The provisions of this chapter are enforced by the Civil Rights Division of the Bureau of Labor and Industries (BOLI).

BOLI reports that current law provides this “whistleblower” protection to public employees who report on violations of rules or regulations, but private sector employees are only protected when they report criminal activity. This bill expands “whistleblower” protection to all employees.

BOLI reports that it receives approximately 220-230 “whistleblower” complaints per year. BOLI anticipates that this bill would result in approximately 50 additional cases per year. This workload would require one position (0.33 FTE) in the 2009-11 biennium, with a biennial General Fund cost of \$40,048. Depending on the number of new cases that are filed, BOLI may need to seek a supplemental General Fund appropriation from the Emergency Board or a supplemental session of the legislature.

The bill provides that an employee can file a civil action in circuit court for violations of the “whistleblower” protections. This could result in the filing of additional cases in the Circuit Court. If 10 to 20 cases were filed per year, the cost could be \$2,790 to \$5,580 General Fund for court operations, plus additional costs for cases resolved through trial.