

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2243

Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session
Legislative Fiscal Office

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Measure Description:

Allows Attorney General or Commissioner of the Bureau of Labor and Industries to file civil action in relation to discrimination against person for service in uniformed service.

Government Unit(s) Affected:

Department of Justice (DOJ), Bureau of Labor and Industries (BOLI)

Indeterminate Fiscal Impact

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.

Analysis:

HB 2243 provides that when the Labor Commissioner or the Attorney General has cause to believe that an employer is engaged in discrimination against an employee in the uniformed service, either can file a civil action on behalf of the person. The court may impose a civil penalty of \$50,000 for the first violation and \$100,000 for subsequent violations. The Labor Commissioner or Attorney General may be awarded reasonable attorney fees.

The Department of Justice notes that the Civil Rights Unit already exists and is charged with enforcing civil rights laws. Therefore, this bill imposes no additional expense on DOJ.

The Bureau of Labor and Industries notes that employment cases are complex and costly to defend. The bill directs the Bureau to file civil actions in circuit court, rather than adjudicate them in its Hearings Unit. If this bill results in additional civil rights cases that BOLI would enforce, the average cost per case could be \$225,000. There is no data on which to forecast the number of additional cases, but BOLI estimates there could be as many as 5 additional cases per year.

