

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Conger, Doherty, Esquivel, Hoyle, Johnson, Matthews, Kennemer, Schaufler
Nays:	0
Exc.:	0
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	3/7, 3/14

WHAT THE MEASURE DOES: Subjects an employer that issues a dishonored check for payment of wages to statutory damages and attorney fees. Authorizes the Bureau of Labor and Industries to impose a penalty for issuing a dishonored check. Requires penalties collected to be paid to the employee that received the dishonored check. Prohibits assessment of civil penalty against an employer if the employee has commenced a civil action against the employer for the same dishonored check, and prohibits an employee from bringing an action against the employer if the commissioner has assessed a civil penalty for the same dishonored check.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: Prohibits assessment of a civil penalty against an employer if the employee has commenced a civil action against the employer for the same dishonored check, and prohibits an employee from bringing an action against the employer if the commissioner has assessed a civil penalty for the same dishonored check.

BACKGROUND: When an employee receives a dishonored check from an employer for wages, besides not receiving the amount of the check, they may also be subjected to bank fees and overdraft charges. ORS 30.701 outlines the amount of money a payee, such as employee, can recover in any action against a maker of a dishonored check, which is the greater of \$100 or triple the amount for which the check is drawn. These damages are in addition to the amount for which the check was drawn and may not exceed by more than \$500 of the amount for which the check has drawn. However, the employee must initiate private legal action in a circuit court in order to recover these damages. An employee has the option to file a wage claim with the Bureau of Labor and Industries (BOLI) for the unpaid wages owed to them, but the limited damages for receiving dishonored checks must be pursued in a separate legal action from the wage claim.

House Bill 2039-A establishes that employers that issue a dishonored check for paying wages is liable to the employee for the amounts outlined in ORS 30.701, allowing BOLI to assess an amount equal to these statutory damages against the employer without requiring the employee to initiate a separate legal action. The measure also prohibits an employee from recovering wages by both a civil action and through the BOLI's wage claim process.