

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

---

<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 0
<b>Yeas:</b>	Conger, Doherty, Esquivel, Hoyle, Johnson, Matthews, Kennemer, Schaufler
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Theresa Van Winkle, Administrator
<b>Meeting Dates:</b>	2/16, 3/16

---

**WHAT THE MEASURE DOES:** Clarifies required information included in a written notice to employers regarding non-payment of wages to an employee. Modifies the length of time unclaimed wages collected by Bureau of Labor and Industries must be held before wages are forfeited to the state. Makes the Bureau’s minimum wage poster available to employers from either the Bureau’s website or directly from the Bureau upon request. Changes the term of “firefighters” to “boiler operators” in statute that exempts certain manufacturing workers from daily overtime and maximum daily hours restrictions.

**ISSUES DISCUSSED:**

- Deadline for claimants to receive funds after they have been transferred into the Common School Fund
- Current methods for wage claimants to receive wages
- Role between Bureau of Labor and Industries, the employee, and their employer in regards to communicating a dispute in wages
- Method for determining an employee’s final wages
- What is currently included in an demand letter to an employer regarding wages
- Collaboration between stakeholders in developing amendments

**EFFECT OF COMMITTEE AMENDMENT:** Deletes a provision which would have required final wages to be mailed by certified mail, return receipt requested, upon request of the employee to the employer. Clarifies statute related to the penalty wage for failing to pay wages on termination of employment by changing the terms “sends” to “submits” and outlines what the contents of a written notice of nonpayment must include. Establishes that not including the required information does not satisfy the requirement for written notice unless the employer has violated statutes related to keeping an itemized statement of amounts and purposes of deductions, itemized statement of compensation and deductions, records to be kept by employers and itemization of deductions from wages. Clarifies that boiler operators are exempt from ORS 652.020, which restricts the amount of hours employees of a mill, factory or manufacturing establishment can work per day.

**BACKGROUND:** Current statute requires the Bureau of Labor and Industries (BOLI) to attempt to locate wage claimants for a period of no less than seven years; wages that have remained unclaimed for more than the seven year time period are forfeited to the state and deposited into the Common School Fund. House Bill 2040-A shortens this time period to three years, and clarifies that the collected wages are to be forfeited to the state by July 30 of each year. The measure also clarifies that the estimated amount of owed wages or compensation, or an allegation of facts that are sufficient to estimate the amount owed, must be included in the demand letter issued by BOLI to an employer regarding an employee’s claim of unpaid wages. The demand letter is the first step that is completed after an employee either files a wage complaint with BOLI or takes a private right of action.

House Bill 2040-A also removes the statutory requirement for BOLI to provide physical copies the required minimum wage poster to Oregon employers, allowing the poster to be available as a direct download from the Bureau’s website or one copy can be furnished upon request. It also clarifies a confusing statute regarding the usage of the outdated term “firefighter” instead of the present day term “boiler operator” in ORS 652.020, which establishes the types of manufacturing employees exempt from the maximum hours they can work per day.

3/22/2011 11:34:00 AM

***This summary has not been adopted or officially endorsed by action of the committee.***