



**BILL:** HB 3315  
**Committee:** House Committee on Business and Labor  
**Date:** April 5, 2013  
**Name:** Jim Booker  
**Title:** Federal Programs Manager  
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**Subject:** House Bill 3315 - Federal Forestland Employment

**Introduction:**

HB 3315 requires the Director of the Employment Department, during an investigation of contractors performing reforestation work on federal forestland, to verify contractor compliance with federal employment eligibility law. The Director is also required to report violations to federal authorities.

HB 3315 also directs the Employment Department to confirm the availability of forest maintenance jobs to Oregon resident workers; to notify Oregon workers of the availability of these jobs; and to periodically inform past and present forest maintenance employers of the local availability of Oregon workers if the employer lists a forest maintenance job with the Department.

**Discussion:**

Reforestation contractors requesting temporary foreign workers are governed by the Temporary Non-Agricultural Foreign Worker Certification Program (H2-B) found in 20 Code of Federal Regulations (CFR) 655. Currently, reforestation contractors are required to submit their job listings to the Employment Department while simultaneously requesting temporary foreign workers through the U.S. Department of Labor (DOL). There have been concerns that some employers who have previously contracted with the U.S. Forest Service to perform forest maintenance activity work used foreign labor to perform the work while bypassing resident Oregon workers.

The Oregon Employment Department is committed to assisting resident Oregon workers get jobs and to informing employers not only of the regulations surrounding programs like the Temporary Non-agricultural Worker Certification Program, (H-2B) but also to make them aware of the resident Oregon workers available to meet their needs. The Employment Department currently does the following:

- Search job listings for H-2B forest maintenance activities.
- Publically display H-2B job listings to get maximum community exposure.
- Share H-2B job listing information with union halls and appropriate community partners to increase awareness of job seekers about forest maintenance jobs.
- Contact past H-2B employers and inform them of the availability of US workers in their area.

As currently drafted, Section 2 of the bill would impact the Employment Department's Unemployment Insurance tax auditors and require those auditors to verify the legal status of reforestation workers during the course of an audit investigation, and then report violations to the U.S. Citizenship and Immigration Services. The Department is currently working with Representative Whisnant on this section of the bill to clarify the Department's role in referring non-

compliant employers to the appropriate federal enforcement agencies without jeopardizing federal funds the Department receives that have limitations on their use.

**Summary:**

The Oregon Employment Department currently assists Oregon resident workers to get forest maintenance jobs, keeps employers informed of their responsibilities, and refers non-compliance issues to appropriate federal agencies for enforcement.