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# AOI TESTIMONY ON HOUSE BILL 3142 HOUSE BUSINESS & LABOR COMMITTEE

MEASURE: HB 3142  
EXHIBIT: 21  
H BUSINESS & LABOR  
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Associated Oregon Industries opposes HB 3142, which changes the definition of “employer” in ORS chapters 652 and 653 for purposes of Oregon’s wage and hour laws.

AOI couldn’t begin to describe what “any other person acting directly or indirectly in the interest of an employer in relation to an employee” could begin to cover.

HB 3142 creates a definition of “employer” that is so imprecise and indefinite that it appears to have the intent of folding any HR professional, payroll manager, payroll service, outside consultant or counsel, and any other potential supervisory employee into the category of “employer.”

The intent of the change in definition of “employer” proposed in HB 3142 appears to be aimed at expanding employer liability by expanding the pool of “employers” that would be held liable for the purpose of wage claims.

The Federal FLSA uses a more precise definition of employer to create personal liability. An individual manager who “exercises control over the nature and structure of the employment relationship” or has “economic control over the relationship” is subject to liability as an employer under the FLSA.

AOI cannot discern any other intent behind HB 3142 without additional information.

AOI opposes HB 3142. It is an unworkable bill that makes “employers” out of thousands of Oregonians who would not be considered an “employer” in any other context other than to be liable for wage claims.

We also believe that SB 611 is not necessary. Presently, controlling owners or managers of businesses can already be held liable for wage claims.