



MEASURE: HB 3142
EXHIBIT: 22
H BUSINESS & LABOR
DATE: 3.13.2013 PAGES: 1
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Oregon

March 13, 2013

House Business & Labor Committee
Hearing Room E – 8:00 AM

Regarding: HB 3142 modifies definitions of “employ”, “employee”, “employer” and “wages”

Representing 7,500 small business members in Oregon, NFIB is very concerned with the implications and application of HB 3142.

Issues:

Page 1, lines 26 – 28, relating to the definition of “employer”

(A) Any person or a public body as defined in ORS 174.109, that employs an individual, and any other person acting directly or indirectly in the interest of an employer in relation to an employee;

What does this mean? Any co-worker? Any manager? Any contracted person working on behalf of the employer and relation to an employee”?

Page 1, lines 29-30

(B) To the extent an employer has not paid employees in full, any successor to the business of the employer or a purchaser of the employer’s property for the continuance of the same business.

Page 2, line 12, removal of the independent contractor provision as an employee exclusion. This could undermine the independent contractor classification.

Page 2, line 41, makes reference to “wages” whether paid by the employer “or another person”

Page 3, lines 9-13 ,

(3) “Employee” means an individual employed by an employer in this state. An individual who performs services that are an integral part of the business of another person for remuneration is presumed to be an employee unless the individual who performs the services for another person is customarily engaged in an independently established business of the same nature as the business of the person for whom the services are performed.”

We feel this is open to interpretation and again, could potentially undermine the independent contractor classification.

We find this bill imprecise, vague, confusing and open to arbitrary interpretation. This is a proverbial Pandora’s Box with untold possibilities in the realm of unintended consequences for all employers, including small businesses in Oregon that make up 97% of all employers in the state.

NFIB strongly opposes HB 3142