



A handwritten signature in black ink, appearing to read "Jim Weidner", written over a horizontal line.

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## Opposes HB 3142

Oregon Farm Bureau Federation opposes HB 3142, which changes the definition of “employer” in ORS chapters 652 and 653 for purposes of Oregon’s wage and hour laws.

- HB 3142 changes the definitions of employers and employees. In addition to simply upsetting longstanding definitions without sufficient justification, the bill would add tremendous uncertainty as to who is included as an “employer” and an “employee.” For example, the bill creates a presumption that an individual who performs services that are “an integral part of the business of another” is an employee. It is not clear what “an integral part of a business” means. Further, an employer includes “any other person acting directly or indirectly in the interest of an employer.” Does this mean an attorney, accountant or financial advisor of an employer is also an “employer” since they act either directly or indirectly in the interest of the employer? It would seem this is not what the proponents of HB 3142 intend, but the language used in the bill creates a great deal of uncertainty.
- HB 3142’s definition of “employer” is so imprecise and broad that it folds any HR professional, payroll manager, payroll service, outside consultant or counsel, and any other potential supervisory employee into the category of “employer.”
- 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.
- **HB 3142 is terrible policy.** It 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.

HB 3142 is not necessary. Presently, controlling owners or managers of businesses are already held liable for wage claims. HB 3142 simply expands liability to everyday Oregon employees who are not “employers.”