

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended, Be Printed Engrossed, and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	10 - 0 - 0
Yeas:	Barton, Fagan, Holvey, Kennemer, Matthews, Thatcher, Thompson, Weidner, Witt, Doherty
Nays:	0
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	4/5, 4/17

WHAT THE MEASURE DOES: Requires Oregon Employment Department (OED) to inform employer and U.S. Department of Labor if Department becomes aware, in normal course of business, that employer has federal contract to conduct forest maintenance and is not in compliance with certain requirements under H-2B program. Requires OED to confirm whether listed forest maintenance activity jobs under H-2B program are available to Oregon resident workers. Requires OED to notify U.S. Department of Labor, union halls, and community agencies serving unemployed Oregon workers that job has been listed under H-2B program. Requires OED to prominently display in public locations information about jobs listed under H-2B program. Requires OED to periodically inform employers of workers in forest maintenance activity jobs regarding local availability of Oregon resident workers.

ISSUES DISCUSSED:

- Employment of foreign workers when local workers available
- Contractors advertising for workers in other states for work to be performed in Oregon
- Lack of enforcement at federal level

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: In a letter to the U.S. Secretary of Labor from the Director of the Oregon Employment Department in February 2012, a plea was made for the U.S. Department of Labor to help ensure that U.S. workers are getting every opportunity to take advantage of the jobs created by the Collaborative Forest Landscape Restoration (CFLR) program. The Office of the Inspector General at the U.S. Department of Labor found that even though 146 U.S. workers were contacted by the four contractors and 29 were offered jobs, none were hired. Instead, 254 foreign workers were brought into Oregon for jobs under the CFLR program. A similar situation occurred in 2009 when Oregonians workers were passed over for forest thinning work funded by federal stimulus money in favor of foreign workers on H-2B visas.

According to the U.S. Department of Labor, the H-2B program permits employers to temporarily hire nonimmigrants to perform nonagricultural work in the United States. The H-2B program requires the employer to attest that it will offer a wage that equals or exceeds the highest of the prevailing wage, applicable federal minimum wage, state minimum wage, or local minimum wage to the H-2B worker for the occupation in the area of the intended employment. The H-2B program also requires certain recruitment and displacement standards as a means to protect similarly employed U.S. workers. An employer must establish the following in order to qualify for the H-2B classification: 1) there are not enough U.S. workers able, willing, qualified, and available to do the temporary work; 2) the employment of H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers; and 3) the need is temporary.

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