

HB 4010

Susan Rossiter, Chair
Employment Appeals Board

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Introduction: My testimony will discuss the background on this bill, why it's needed, and what the bill does.

Background: The Employment Appeals Board (EAB) is a quasi-judicial body that is part of the Oregon Employment Department (Department). The three person EAB reviews decisions made by Administrative Law Judges in contested cases regarding unemployment insurance benefits. In 2007, EAB began posting its decisions on a public Department website. On July 31, 2013, the Department stopped publishing these decisions to insure compliance with the confidentiality requirements imposed by ORS 657.555. That statute has strict confidentiality standards for information related to unemployment insurance. Although there are several exceptions to these confidentiality provisions, none currently apply to EAB decisions.

Why the Bill is Needed: Access to EAB decisions is an important tool for the employers, claimants, and their representatives and attorneys who participate in hearings on unemployment benefits. These individuals rely on the guidance provided by EAB decisions to better understand their rights and obligations under the law. Most people who claim unemployment benefits are not represented by an attorney. If these individuals do not have access to EAB cases, it is more difficult for them to understand the administrative hearing process and the applicable laws and rules.

Since the date on which publication of the EAB decisions ended, EAB has received numerous complaints. Among those complaining are: attorneys; a representative from the City of Portland Human Resources department; and the Administrative Law Task Force, a group of Legal Aid advocates who represent low income individuals in unemployment cases.

What the Bill Does: The bill amends ORS 657.555 so that EAB may be released to the public and available as a public record.

Summary: EAB wants to promote greater government transparency by resuming public access to EAB decisions. These decisions are an important resource the Department can and should provide to employers, claimants and their representatives. An amendment to ORS 657.555 is needed to make this possible. The Department supports this bill.

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