



February 9, 2015

Testimony to House Business and Labor Committee  
Provided by: Paloma Sparks, Legislative Director  
Oregon Bureau of Labor and Industries

The Oregon Bureau of Labor and Industries (BOLI) appreciates the opportunity to testify in support of HB 2386, which would give the Bureau the authority to issue cease and desist orders where there is probable cause to believe a violation of wage and hour law is occurring or as part of a final order after finding violation of wage and hour law.

As you know the Bureau of Labor and Industries enforces anti-discrimination laws that apply to workplaces, housing and public accommodations; enforces wage and hour laws; educates employers to avoid unnecessary worker complaints; and partners with labor, business and other organizations to develop a highly-skilled, competitive workforce in Oregon.

We have introduced this legislation as a critical tool in protecting and furthering workers' rights.

Although the vast majority of employers follow the rules, some businesses still try to gain unfair advantage by cutting corners and treating workers unfairly. An egregious few will continue to violate workers' rights even while we are conducting an investigation or after the agency has found them in violation. All too often, those kinds of employers will never take action to make their workers whole. In those rare instances, the Commissioner needs every tool available to stand up for those workers.

Employers who flagrantly violate wage and workplace protections hurt not only individual employees, but also create an unfair playing field for law-abiding businesses. The Bureau can be more effective in holding those bad actor employers accountable with the authority to issue cease and desist orders.

The Commissioner currently has authority to issue cease and desist orders when conducting investigations into suspected civil rights violations. The Commissioner will issue such an order where there is probable cause to believe the violation occurred or as part of a final order. This enforcement tool helps to protect individuals from further injury and to protect others from experiencing unfair treatment on the job in the future.

A similar authority is not currently provided under wage and hour laws. The result of this loophole is that even when there is substantial evidence that violations have occurred and are occurring, the Commissioner cannot compel a bad actor to halt their violations. The agency will do it all can to make those workers whole, but while investigations are on-going employers may continue to violate workers' rights.

**PORTLAND**

800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
(971) 673-0761  
Fax (971) 673-0762

**SALEM**

3865 Wolverine St. NE; E-1  
Salem, OR 97305-1268  
(503) 378-3292  
FAX (503) 373-7636

**EUGENE**

1400 Executive Parkway, Suite 200  
Eugene, OR 97401-2158  
(541) 686-7623  
FAX (541) 686-7980

**BEND**

Apprenticeship and Training  
Worksource Bend  
1645 NE Forbes Rd, Ste 106  
Bend, OR 97701-4990  
(541) 322-2435  
FAX (541) 389-8265

Oregon Relay TTY:711

**MEDFORD**

Apprenticeship and Training  
119 N Oakdale Ave.  
Medford, OR 97501-2629  
(541) 776-6201  
FAX (541) 776-6284



In practice, this tool will be most often be used as part of a final order issued by the agency. For example, if the agency determines that an employer has failed to pay wages as required, and the employer has previously been found to have violated wage and hour laws, in the process of obtaining a final order for the payment of back wages, the agency would include a provision requiring the employer to cease violating the law and to comply with certain conditions enabling the agency to monitor the employer's compliance with the law.

This change does not alter an employer's appeal rights. Employers would retain the ability to appeal all aspects of the final order including the cease and desist order. When they file for appeal they can also request a stay on all of parts of the enforcement action, not just the monetary penalties.

The legislature should extend the Bureau's cease and desist power to wage and hour laws. We should have the power to act quickly and efficiently to ensure that workers' wages are given every protection under the law. This an important fix that will ensure both workers and employers are treated fairly under the law.

Thank you.