

Oregon SB 454 Testimony
Senate Business & Labor Committee Hearing
February 16, 2015

Good afternoon Senator Dembrow and members of the Committee, my name is Todd Sensenbach and my wife Lori and I are owners of a Home Instead Senior Care franchise in Bend, OR. I am here to express our concerns with Senate Bill 454. This legislation would add regulations and restrictions to small businesses that are not needed. We do not need new laws enforcing more employment policies. What we need from Salem is for you to give those of us who own small businesses tax breaks and other incentives to supply good benefits to our employees. Please reconsider the need to add more employment law, and instead focus on adding bills that would encourage small business to take better care of their employees. You would be surprised how many small business owners want to provide higher pay and better benefits but have to balance the books.

Let me give you an example of how government regulation and law has bad side effects. In relation to the Affordable Care Act, we would all admit private insurance is not working for a lot of people. We may also agree that we need some government involvement to help this situation. However, the current law states that we need to classify our employees as either Full Time/Part Time or Variable Hour Employees. The law states that full time employees can enter the health insurance after their probation period (the first of the next month after the employee's 60 day anniversary). However, a Variable Hour Employee must work for the company for the look back period (defined by the company and can be 90 days to 12 months) and if they average 30 hours a week after the look back period they can then enter the probationary period. So basically, if I wanted to I could keep new Variable Hour Employees out of the insurance plan for up to about 15 months after they are hired. Does not sound like much of an employee retention plan does it? I am not sure how this law was written like this or who is responsible but this is a great example of how government law on employment policy can really miss the mark. All I can say about the Affordable Care Act is it has made it harder for an employer to provide insurance to its employees. Needless to say it has turned out to be a big mess.

You might be wondering how Oregon's proposed Paid Sick Time could turn into a mess like this? You might even argue that it is much simpler so we won't have the same issues. Depending on how it is implemented you could have very similar issues. For example, our company provides an Hours Worked Bonus for our caregiver employees. Employees can work 10 hours a week or 50 hours a week and still benefit from getting this bonus. If the employee is sick they can choose to use the benefit to cover for the time they are out. If they want to take paid time off they can use the benefit for that. Lastly, if the employee is rarely sick and does not want to take any time off they can take the bonus out annually. So, if I am required to provide sick pay the employees who rarely get sick or do not want to take any time off will not get any benefit. In my case, and many other cases, regulating Paid Sick Time would be a bad thing.

I hope you can see the logic here and understand more laws to protect employees are not needed. There are a lot of small business owners out here who already focus on employee job satisfaction and steal all the employees from the competitors who are not concerned about employee job satisfaction. In this model as we can afford it we will listen to our employees and add the benefits they want and continually be on a mission to improve employee job satisfaction. There are a lot of smart small business owners who know that happy employees means happy customers. What we need from you is help making it easier for us to stay focused on employee job satisfaction AND I can assure you adding laws enforcing what you think they need is not the answer. The business owner knows better than the government what our employees need because we ask our employees.

We believe the two most common American dreams are to own your own home and to own your own business. These are two of our dreams. Please understand that the more regulation that is put into place makes it much harder to own and operate a small business. What small business needs from Salem is less employment law and more incentives and tax breaks for doing what is right (providing good benefits and pay for our employees). We have owned and operated our small business for over six years and employ over 100 people. Our franchise provides in home care to over 100 households in Oregon. Our parent company, Home Instead Senior Care specializes in providing in home care for seniors. We are committed to providing the highest quality care and services custom tailored to each family's needs. We take great pride in helping families restore balance, order and peace to their lives and helping seniors remain in the comfort of their homes.

In conclusion, I believe our country and the state of Oregon were once great. However, we have lost a key ingredient of being great; the ability and willingness to compromise. Our forefathers from both the right and left were willing to compromise with each other and we always ended up in a better place. Today almost all debates in any state or federal senate or house are simply votes down party lines. If you do nothing more with my testimony please consider this: regardless of what side you are on you are part of the problem if you are not willing to compromise with the other side.

Thank you very much for your time and consideration.

Sincerely,

Todd Sensenbach
Business Owner
Home Instead Senior Care