

HB2386

Testimony to [House Committee On Business and Labor](#)

12 March 2015

OPPOSITION: Allowing BOLI to act in a Judicial role is an unnecessary transfer of authority to an agency.

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background Industrial Engineering and Manufacturing
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Chair Holvey and Committee members,

Thank you for the opportunity to address the committee regarding an expansion of power and control requested by the Bureau of Labor and Industries Commissioner Brad Avakian.

During the past several months, it was a complete mystery that the BOLI Commissioner was not visibly and actively working to resolve aspects of the west coast port strike that resulting in the lose of Hanjin as a major shipper at the Port of Portland. Linn County's economy has a large agricultural component that was impacted by the port slowdowns and closures. In an era where most Oregon Counties are not seeing a return to economic prosperity, perhaps that should be a top priority for that state agency and it's top elected official.

In Linn County, unemployment has not rebounded to the peak 2007 levels, we're still more than 3,000 jobs short and in the past few month I an increase in foreclosure notices on the windows of vacant homes. I have to ask myself, "Does this bill do anything to return prosperity to communities in Linn County or anywhere else in the state of Oregon?"

The existing Circuit Court System that is handling the matters that the BOLI Commissioner seeks to control. After I read the entire text of HB2386, it seems that there is a thirst for authority and control that would be an acquisition of judicial authority for the Bureau of Labor and Industries. BOLI is in the Executive branch and has an enforcement role, that authority is rightfully balanced by a the judges in the circuit courts.

The speed with which a BOLI action, as proposed, could destroy a business would be unchecked. A right to appeal is expected in the American judicial system, but if the initial orders, enforcement and adjudication is isolated in a single agency, then a business may no longer have an equal footing on the scales of justice.

If a particular business is in violation of an Oregon statute that represents a risk to public safety or the peace in it's community, then a circuit court judge is competent and capable of agreeing with a BOLI representative if the appropriate action is a cease and desist order. The business owner is also afforded the opportunity to defend the wish to keeps it's doors open while investigations continue. If there is a concern of wage theft from workers, then a judge could certainly address that risk at the time of a BOLI official.

There is no compelling reason to dismantle a functioning relationship between BOLI and the court system. The opportunity for agency over reach does not need to be permitted by statute.

We have more vital priorities for the BOLI Commissioner and the re-invigoration of Oregon's economy in each and every County should be that focus.

I thank the committee for the opportunity to share my experience and perspective on the impact of HB2386. Unable to be present at the hearing today in person, I would be very happy to participate in the hearing by phone or to answer any committee member's questions at their convenience.

Thanks you again.

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