



INVESTMENT  
BANKING AND BROKERAGE

*Sent via USPS and email*

March 24, 2015

RE: House Bill 3025

Chairman, members of the Committee,

My name is Drew Millegan, and I am representing my father's firm, JW Millegan Incorporated, from McMinnville. Unfortunately as our company is very small, we were unable to send a representative to the hearing today.

I would like to start by saying that while we recognize that the intent of this bill may be noble, we would contest that the bill, in its current form has many problems, and is too vague. The bill, for example, and contrary to some claims we've heard to the contrary states that:

"(1) It is unlawful employment practice for an employer to: (c) Conduct a background check on an applicant unless (A) The employer has made a good faith determination that the relevant position is of such sensitivity that a background check is warranted; or (B) A background check is required by law."

While it is possible that our own business may be exempt under part (B) of subsection (c) because we are regulated by the Financial Industry Regulatory Authority (FINRA), and as such are legally barred from hiring employees with criminal backgrounds, we also recognize that this bill could be disastrous for other businesses in our community which are not exempt from this legislation. While it is certainly could be considered admirable in instances where companies have hired employees despite criminal convictions, there are many others which would be unwilling or unable to take on such a risk within their company. We doubt the vague nature of part (A) in subsection (c) would be enough to properly protect them.

The bill also states that it is unlawful employment practice to "Disqualify an individual from employment solely or in part because of a prior conviction, unless the conviction is job-related or is a conviction that legally bars the employment of the individual" (See Section 2, subsection 1, part f). This section is worrying to us because it seems to restrict review to "on the job" crimes. We would want to know what would happen if the applicant, for example, committed the crime in question on a Sunday outside of work, assuming they were not automatically barred from employment as a result. Would such a crime be illegal to consider?

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In addition, the delegation of deciding whether or not an applicant was properly considered for employment to a government agency, which already sides with employees nine times out of ten, worries us (see Section 2, subsection 6). Under the associated House Bill 3097, it was made clear that the employer may have to wait a maximum of ten days for a response from the applicant in question. This combined with the somewhat nebulous length of time which a subsequent appeal could take would not only put the employer at a disadvantage when competing for employees, but could also discourage employers from taking risks when hiring employees in the first place. As an employer, when we hire employees we need them now, not a month or two from now.

Furthermore, what is there to prevent the Commissioner of the Bureau of Labor and Industries from *requiring* an employer to hire an applicant? This legislation seems to regulate whether an employer can choose *not* to hire someone. This is in opposition most other pro-union legislation, which regulates whether employers can fire someone after the fact. The distinction is important in that this bill would delay the *creation* of new jobs as opposed to delaying the *destruction* of old jobs. While we are not generally opposed to bills which advance the cause of workers' rights, we are opposed to this one because of its far-reaching implications. It interferes with the employer's rights.

I thank you for giving us the opportunity to voice our opinion today.

Regards,

Drew Millegan  
Intern  
JW Millegan Inc.

Cc The News Register  
Cc McMinnville Chamber of Commerce