

Oregon

April 3, 2015

House Business & Labor Committee

Re: HB 3377 & HB 2010 – Flexible Schedule

Representing an association of 7,000 small, privately owned businesses in the state of Oregon from every sector and every part our state, NFIB strongly opposes HB 3377 & HB 2010.

NFIB for several years has promoted the option of an employer to offer a flexible work schedule. Our articles describe what advantages that can create for both employer and employee and how to work with the employees, when and where it is a feasible and workable option for that employer, to create a flex-schedule business model. We have multiple articles in NFIB's archives on "how to" and advices on implementing flexible work schedule programs.

However, the provisions within HB 3377 & HB 2010 are an egregious overreach of government into the management by a business owner/employer of their enterprise. It creates layers of complexity, some mandated, couched within unlawful employment practices creating significant liability for the business owner while enveloping them in a scheduling straightjacket and administrative nightmare.

Some of the points of concern:

- The arbitrary nature of "bona fide business reason" – such as "substantial cost to the employer", "detrimental effect", "inability to reorganize",
- Additional arbitrary terms - "timely", "interactive process"
- Provisions in the bill mandating certain actions upon the employer with violations falling within unlawful employment practice statutes
- Provisions that the flexible work schedule "shall be granted" under certain circumstances
- Posting requirement
- Additional pay requirements
- Complex and cumbersome nature of implementing the provisions
- Administration burden

Both HB 3377 and HB 2010 would interfere significantly with the daily business of small businesses. This consideration in addition to Paid Sick Leave, Minimum Wage, Cease and Desist and other onerous employer bills is creating a most discouraging environment for small businesses in Oregon.

Small Business Strongly Opposes HB 3377 & HB 2010

