

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Business and Labor

MINORITY REPORT
MEASURE: HB 2386 MRA1
CARRIER: Rep. Weidner

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 03/18/15

Action: Do Pass With Amendments And Be Printed A-Engrossed.

Meeting Dates: 02/09, 03/18

Signers of the Report: Rep. Jim Weidner, Rep. Dallas Heard

Prepared By: Jan Nordlund, Committee Administrator

WHAT THE MEASURE DOES:

Authorizes Labor Commissioner to issue temporary cease and desist order when there is reason to believe statutes governing prevailing wage rate, farm and construction labor contractors, wage and hour, and employment conditions have been violated. Requires Commissioner to pay damages related to the enforcement of temporary cease and desist order if defendant prevails in contested case hearing or upon appeal of final order regarding a temporary cease and desist order. Damages include, but are not limited to, actual damages, reasonable attorney fees, and back pay to defendant's employees.

ISSUES DISCUSSED:

- Due process available to employer under cease and desist order
- Other actions BOLI can take to address employers who repeatedly violate laws
- "Reason to believe" would be standard to issue cease and desist order

EFFECT OF MINORITY AMENDMENT:

Requires Commissioner to pay damages related to the enforcement of temporary cease and desist order if defendant prevails in contested case hearing or upon appeal of final order regarding a temporary cease and desist order. Damages include, but are not limited to, actual damages, reasonable attorney fees, and back pay to defendant's employees.

BACKGROUND:

The Bureau of Labor and Industries (BOLI), under the direction of the Labor Commissioner, is responsible for protecting the rights of workers and citizens to equal, non-discriminatory treatment through the enforcement of anti-discrimination laws that apply to workplaces, housing and public accommodations. It is also responsible for encouraging and enforcing compliance with state laws relating to wages, hours, terms and conditions of employment.

Chapter 651 of the Oregon Revised Statutes provides the general authority of the Labor Commissioner and BOLI. Several individual chapters of the Oregon Revised Statutes (ORS) establish the specific state laws for wages, hours, and terms and conditions of employment as well as the Commissioner's specific authority to enforce those laws. House Bill 2386-MRA1 adds in Chapter 651 that the Labor Commissioner has the authority to issue a temporary cease and desist order requiring an employer to refrain from an alleged unlawful practice related to the prevailing wage rate, wage and hour standards, employment conditions, and farm and construction labor contractors. The measure requires the Commissioner to pay damages related to the enforcement of a temporary cease and desist order if the defendant prevails in a contested case hearing or upon appeal of the final order.