



**OREGON STATE SENATE**

2/4/16

RE: Amendment to SB 1587

I have asked legislative counsel to prepare an amendment to SB 1587 that does the following:

- Aligns the definition of "time and pay records" in SECTION 2 with the definition currently in BOLI rules around which records employers are required to maintain.
- Aligns the retention period of "time and pay records" in SECTION 2 with what is currently required in federal code: three years for "payroll records."
- Removes the private right of action from SECTION 2.
- Removes SECTION 3 and SECTION 4, which expanded BOLI's ability to require an employer to post a surety bond for wages.
- Amends SECTION 5 to limit BOLI to three positions funded through the Wage Security Fund, require the Commissioner to adopt an enforcement plan to guide their work, and clarify that priority for funds will continue to be paying unpaid wages to workers.
- Amends SECTION 6, lines 30-33 to read: "(e) Otherwise deprive an employee, permanently or indefinitely, of wages due to an employee under ORS 279C.840 in an amount that equals or exceeds 25 percent of wages due to the employee under 279C.840 and \$1000."

This amendment addresses a number of concerns raised by employers, makes state law consistent with what is already required of employers by BOLI rule and federal code, and retains important protections for workers on prevailing wage job sites. It will also ensure that every worker receives a detailed pay stub, and provide three additional positions to BOLI to crack down on wage theft.

This amendment is the product of many discussions with representatives from the business community, labor and workers' rights advocates. I believe it represents a fair compromise from the original bill, and will make a real difference for workers across the state.

Sen. Michael Dembrow

