



812 SW Washington, Ste. 225, Portland, OR 97205 | 503-525-8454 | www.nwjp.org

**Testimony of Corinna Spencer-Scheurich
Before the House Committee on Judiciary
March 27, 2017
HB 3279**

I am the Deputy Director of the Northwest Workers' Justice Project. NWJP is dedicated to providing high-quality legal support and advocacy to workers. We focus on those most marginalized by the current structure of our economy, specifically low-wage immigrant and contingent workers in diverse industries, including janitorial. I am here in support of HB 3279.

Based on my experience and that of my coworkers in representing janitorial workers in employment disputes, the industry is rife with abuses. And these abuses particularly affect low-wage and immigrant workers. One of the biggest problems that we see are fly-by-night janitorial companies that advertise for workers on Craigslist and other internet publications. Workers labor in isolated conditions, often at night. Often these undercapitalized companies, or individuals, simply fail to pay their workers and then go bankrupt or evade the collection of wages because they have disappeared or have no resources. Every week we talk to hard-working Oregonians who have done the work, but have not been paid, and often there is simply nothing we can do to protect their rights.

One of our clients, who I will call Brenda, was victim to repeated problems in the janitorial industry. She first worked for a small janitorial company cleaning a mechanic's shop, a grocery store, a beauty shop and a recycling center. Her employer only paid her once and fired her without paying the rest of her wages. She filed a small claims suit against the contractor, but he filed for bankruptcy in the middle of her case. She received a small sum from the bankruptcy, but much of her wages and damages remain unpaid. She then got what she thought was a more established position cleaning a chain of national fitness centers. She was not paid overtime by the janitorial

contractor and her hours were arbitrarily reduced on her paycheck. The national fitness center chain had contracted with an out-of-state janitorial company, who had contracted with another out-of-state janitorial company, who had contracted with Brenda's immediate Oregon employer. When she tried to collect the unpaid overtime and wages, the Oregon contractor had dissolved and had no assets.

Unfortunately Brenda's stories are not unique. Common wage and hour violations include not paying travel time or making employees work off the clock; paying with a piece rate (like a flat rate per office or building) that does not add up to the minimum wage; and misclassifying workers as independent contractors when they are employees. We also see out-of-state janitorial companies violate the particular protections under Oregon law. A client, who I will call Fernanda, cleaned a large department store for an Ohio contractor. When Fernanda's mother-in-law became deathly ill, she and her family flew to Mexico to care for her. The contractor, not aware of the Oregon family leave law that protects this absence, fired her. When we filed the case with BOLI, neither Human Resources in Ohio, nor local management wanted to take responsibility for the violation of state law.

Oregon's janitorial workers often labor alone, doing difficult work when the rest of us are not looking. They are in desperate need of protection, the kind of protections that HB 3279 would finally afford them.

We recommend that this bill be approved with a do pass recommendation.