



FAMILY FORWARD
OREGON

Smart policies for today's families.

April 12, 2017

Testimony in Opposition to SB 999:
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Thank you for the opportunity to submit this testimony in opposition to SB 999, which would limit penalties available to workers for certain wage and hour violations. It appears that the entire objective of this bill is to limit penalties a worker is entitled to pursue in response to violations of wage and hour law. We are concerned that SB 999 would limit a worker's ability to access justice when their rights have been violated and would remove important deterrents to wage theft that exist in current law.

As you know, Family Forward is an organization committed to advancing policies that support families and help them succeed, both in the workplace and at home. Our mission is to create a family friendly Oregon where all families can be economically secure and have the time it takes for family responsibilities. Making sure workers are paid properly for work they have performed is essential to maintaining families' economic security and our underlying mission.

For low wage workers living paycheck to paycheck, a short or late paycheck can be devastating. These workers often don't have sufficient saving to cover their bills if their paycheck is late or short and can wind up incurring additional late fees and penalties for the worker through no fault of their own. Our current penalty structure creates an important disincentive to wage theft; limiting these penalties makes it more likely that workers will be abused.

SB 999 seems to force an employee to elect a particular remedy for violations of wage and hour law if the harms are "substantially similar." This is problematic because often multiple violations exist at the same time. For example, if an employee is bringing an action for getting appropriate meal and rest periods and makes a claim for wages not paid when their breaks were missed, they may be prohibited from seeking penalties for those two separate violations if the harm was "substantially similar." We also think this election of remedies would create confusion and increased litigation over which claims are precluded and which can go forward for when there are multiple violations for actions that are related. This would unfairly limit relief available to workers who experience multiple violations of the law. It's akin to saying if you rob a bank and crash the getaway car, you can only be charged for bank robbery or reckless driving or evading arrest, but not all three because they all happened during the same bank robbery. That's just ridiculous.

Workers in Oregon deserve to be paid fairly, completely and timely for the work they have performed. SB 999 would weaken protections for workers harmed by wage and hour violations and would remove important dis-incentives to avoid such violations in the first place.