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Chair Keny-Guyer, Vice-Chair Sanchez. Vice-Chair Olson, members of the committee, my name is Kyndall Mason, I am a policy and political strategist for SEIU local 503. Thank you for having me here today to talk about Senate Bill 949A.

While we currently believe that non-compete clauses are illegal in regards to home care workers, it hasn't stopped many home care agencies from demanding that both their workers and their clients, the consumers of home care services, sign these contracts. And while you may say to yourself, if they are illegal, then the home care worker or consumer can just ignore them. That is easier said than done.

What we have seen in the field is what amounts to threats of legal action when either a home care worker or consumer, decide to move their services from one agency to another, or through the state. To paint a picture: Imagine you make \$10.80 an hour with no benefits, to care for an individual in their home, who would otherwise be a medicaid client in a nursing home, which costs the state much more, I should add. After some time, perhaps you, or your client, finds a better option for receiving services. Let's say the Oregon Home Care Commission for example, which has a starting pay of \$14.50 an hour and would give you access to benefits. It is at the moment of moving services to the commission that either the worker, or consumer has been slapped with a cease and desist order, signed by a legal entity representing the agency you work for.

The chances of someone who makes \$10.80 an hour understanding the nuances of non compete clauses are slim, and often cease and desist orders are scary enough to prevent either the work or the consumer from leaving the agency. The only recourse a person might feel they have in this situation, is to get a lawyer, and that is completely out of reach for workers and consumers alike.

This puts the workers in a trap of a low wage job, and prevents the consumer of medicaid services from actually being able to exercise choice in from whom and from where, they receive their services.

This bill makes the law clear that home care workers and those working with them, are not bound by non-compete, covenants to not solicit employees/clients, clauses, as they restrict choice and keep workers in poverty wage jobs, in this sector. It is a widely known secret that many agencies use these non-compete clauses to keep workers and consumers from leaving together for a better option. We'd like it to be crystal clear that these agencies would be in violation of the law for using non-compete clauses, in order to prevent the legal intimidation we've seen in this industry.

I would like to point you to the materials in olis for evidence of these cease and desist letters, as well as a copy of language from a non compete a worker was asked to sign. There is also testimony from Gracia Molina in there who wasn't able to come today, but spoke when the bill was on the senate side, about what it was like when she was dealing with this stuff through an agency.

Thank you for time today.  
Kyndall Mason  
Political & Policy Strategist, SEIU Local 503