

HB 2856 A STAFF MEASURE SUMMARY

House Committee On Business and Labor

Action Date: 04/10/17

Action: Do pass with amendments
and be referred to Ways and Means by prior reference. (Printed A-Eng.)

Vote: 5-4-0-0

Yeas: 5 - Bynum, Doherty, Evans, Fahey, Holvey

Nays: 4 - Barreto, Hack, Heard, Kennemer

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Creates grant program at Bureau of Labor and Industries to provide funding for outreach, education and technical assistance to Oregon workers regarding rights in the workplace. Appropriates \$2 million from Wage Security Fund to support grant program. Provides jury trial and additional remedy of compensatory and punitive damages in civil actions for discrimination or retaliation against employee for filing wage claim or inquiring about wages; violation of sick leave provisions; violation of family medical leave provisions; violation of leave protections for victims and their families to attend criminal proceedings; violation of leave protections for victims of domestic violence, harassment, sexual assault or stalking; and violation of providing veteran's preference in civil service hiring.

ISSUES DISCUSSED:

- BOLI's resources for employers but not employees
- Grant program would have community-based organizations deliver outreach and education
- Unequal remedies for civil rights enforcement under ORS 659A.885
- City of Seattle's use of community-based organizations to provide outreach and how program is funded
- Experience of workers who have not been paid properly
- Materials available online from BOLI
- Desire of employers to comply with employment law

EFFECT OF AMENDMENT:

Replaces original measure.

BACKGROUND:

The Bureau of Labor and Industries (BOLI), under the direction of the Labor Commissioner, is responsible for, among other things, 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. House Bill 2856-A appropriates money from the Wage Security Fund to establish a grant program to support education and technical assistance for employees. The Wage Security Fund is tapped to pay wage claims against employers who have gone out of business and are not able to pay their employees.

Employees who claims they suffered discrimination or retaliation for filing a wage claim or using protected leave or for participating in a related proceeding can take their employer to court or file a complaint with BOLI. For claims

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involving wages, the court may provide injunctive relief, equitable relief and compensatory damages but no punitive damages. For claims involving protected leave, the court may provide injunctive relief and equitable relief, but no punitive and compensatory damages. HB 2856-A allows for a jury trial and for the court to award compensatory and punitive damages in cases in which an employer takes an adverse action against an employee for filing a claim regarding wages or inquiring or disclosing wage information, for violations regarding veteran's preference in hiring for civil service positions; and violations of protected leave laws.