

HB 4058 A STAFF MEASURE SUMMARY

Carrier: Rep. Salinas, Rep. Reschke

House Committee On Business and Labor

Action Date: 02/14/18
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 11-0-0-0
Yeas: 11 - Barreto, Boles, Bynum, Doherty, Evans, Fahey, Heard, Holvey, Kennemer, Piluso, Wilson
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Jan Nordlund, LPRO Analyst

WHAT THE MEASURE DOES:

Changes criteria for private nonprofit corporation to be licensed as property services contractor. Exempts property services contractors from requirement to submit to Bureau of Labor of Industries copies of all payroll records when labor contractor pays employees directly. Specifies when initial and continuing training of employees must occur. Excludes employees of contractor from definition of property service contractor. Requires applicant for property service contractor to submit names and addresses of those responsible for fulfilling obligations. Provides flexibility in areas of license examination and for self-certifying vehicle insurance for property services contractors. Requires employer to provide pay and time records within 45 days of employee's request. Allows civil action to be commenced against property services contractor on or after July 1, 2018. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Original intent of House Bill 3279 (2017) to address workplace sexual assault and harassment of janitorial workers
- Unintended requirements placed on janitorial businesses from legislation and during rulemaking
- Significant differences between construction and forestry industries and janitorial industry
- Exemption for residential housekeeping will be made in rulemaking

EFFECT OF AMENDMENT:

Replaces original measure.

BACKGROUND:

Under Oregon law, labor contractors may not provide services without a license issued by the Bureau of Labor and Industries (BOLI). Labor contractors include farm labor contractors, construction labor contractors (as of July 1, 2015) and property services contractors (as of January 1, 2018). Property services contractors typically provide janitorial services. BOLI was tasked with adopting rules to establish the procedures for licensing property services contractors. The rules were to require that these contractors provide professional training to all of their managers, supervisors and employees regarding prevention of workplace sexual assault and harassment; prevention of workplace discrimination and promotion of cultural competency; and whistleblower protections. Generally, property services managers must meet the same licensing requirements as farm and construction labor contractors, with the exception of filing proof of financial ability to promptly pay wages if specified criteria are met.

House Bill 4058-A makes multiple changes to the statutes regulating property services contractors based on issues raised during BOLI rulemaking.