

HB 4058 A STAFF MEASURE SUMMARY

Carrier: Sen. Linthicum, Sen. Manning Jr

Senate Committee On Workforce

Action Date: 02/22/18
Action: Do pass the A-Eng bill.
Vote: 5-0-0-0
Yeas: 5 - Gelser, Hansell, Knopp, Monnes Anderson, Taylor
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
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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 services contractor. Requires applicant for property services contractor to submit names and addresses of those responsible for fulfilling obligations. Provides property services contractors with flexibility in areas of license examination and for self-certifying vehicle insurance. 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:

- Unintended administrative burdens from House Bill 3279 (2017) and subsequent rulemaking
- Focus on quality training to eliminate sexual assault, sexual harassment, and rape in the workplace
- Collaboration among diverse stakeholders

EFFECT OF AMENDMENT:

No amendment.

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.