



March 23, 2020

TO: Chair Paul Holvey and Chair Arnie Roblan  
Members of the Joint Special Committee on Coronavirus Response

RE: Top COVID-19 Related Issues for Our Members

Chair Holvey, Chair Roblan, and Members of the Committee:

UFCW Local 555's 25,000 members stand ready at this time to serve our communities. They are on the front line in responding to the coronavirus crisis. Whether it is keeping our grocery stores open, filling needs at pharmacies, or meeting needs within healthcare, we are at the ready and here for Oregon.

We ask for your support at this time for our members in the following ways:

1. Designate grocery and pharmacy workers as essential employees on par with first responders for certain resource prioritization. This is vital so our members can access needed childcare due to school closures, Personal Protection Equipment (PPE), and other resources. Other states, including Vermont, Michigan, and Minnesota, have already taken this step.
2. For purposes of Workers Compensation, provide a presumption that COVID-19 is an employment-related condition for claims by essential workers, including grocery and pharmacy, for the duration of the COVID-19 emergency declaration.
3. Maintain protections under SB 828 (2017), Fair Work Week/Predictive Scheduling. The bill provides important protections for both employers and employees at this time within the retail, grocery, lodging and modified restaurants services. From the start of this crisis UFCW has communicated with the Bureau of Labor and Industries, under the direction of the Labor Commissioner, to explore what this crisis means for so many workers in impacted industries.

Oregon's statewide fair work week (predictive scheduling) laws protect many front line workers during this time. Workers that often earn low wages and go without the benefits that many of us take for granted. We must ensure that they are able to continue working in a safe and reasonable manner.

ORS 653.412 – 653.490 as written provides flexibility for employers during this crisis, and we thank BOLI Commissioner Val Hoyle for issuing additional guidance earlier this month. As industry has recognized, Commissioner Hoyle's memo outlined that we are, in fact, in a situation where a public official has declared an emergency and recognized that the law provides for employer relief from penalties and obligations for providing additional compensation under situations like we currently face.

We have been advised by BOLI for instance, that employers who cancel shifts during this time, due to a cause not within the employer's control, and while a state of emergency has been declared, will not fall subject to paying compensation for shifts that have been canceled.

We feel this memo provides certainty to employers and employees. Employers have the ability to implement flexible scheduling during this crisis situation. The Governor does not need to issue an executive order that specifies the COVID-19 emergency declaration relieves employers from the obligation to provide additional compensation when shifts are canceled – this is already contained in the law. Additional compensation of one additional hour per shift is only paid when an employee who is a) not on the voluntary standby list, b) not on schedule, and c) has not responded to a general group communication, is told they must report to work for an unscheduled shift.

Good faith estimates, based on averages, can still be provided, along with workers having the opportunity to have the right to input to work schedules at this time. Employees particularly need the ability to have the right to input on work schedules when many other areas of their lives may be experiencing changes.

Under 653.455(3): The requirements for additional compensation in this section are minimal, and serve to acknowledge that when an employer needs to fill additional shifts there are a variety of mechanisms available beyond calling a specific employee and demanding they show up to work. In some cases, without bothering to even put a call out to pre-existing volunteer standby lists. If an employer requests that a specific employee work additional hours to address unanticipated customer needs due to a declaration of emergency by the Governor that impacts business operations during the duration of the emergency, it is only fair that individual receive a nominal measure of additional compensation to prevent systemic abuse of the exception.

Legislators worked hard when crafting this law to ensure that it was fair, even during emergencies, to both employers and employees. We ask that you maintain protections for the workers who are on the front lines during this crisis. It is critical that they have your support.

4. UFCW Local 555 shares the concern of others over the thought of a “Self Service for all” policy for gasoline at this time. We represent hundreds of fuel station attendants throughout Oregon. Their safety, and the safety of customers, must be your highest concern at this time. While industry claims this is a staffing issue, in fact there are thousands of Oregonians who are currently looking for work. Adding an additional risk factor for how the coronavirus can spread through our communities at this time is foolhardy and a blatant attempt by the fueling industry to circumvent our existing laws. We are in a crisis. Stopping the spread of the coronavirus must be our top priority. Self service fuel only makes that more difficult.

We are happy to provide additional information, and would be happy to speak with any committee member who has availability.

Sincerely,



Jeff Anderson  
Secretary-Treasurer  
FCW Local 555