



UNIFIED BUSINESS OPPOSES HB 2655

Chair Barker, Vice Chairs Barreto and Bynum, and members of the Business and Labor Committee,

Unified Business Oregon would like to put on record our opposition to House Bill 2655, which would undermine the ability of employers to engage in testing for marijuana use in Oregon as a condition of employment, based on the needs of the employer. There are several other issues which should also be addressed.

Currently under Federal law, marijuana is still considered a controlled substance. The Drug-Free Workplace Act of 1988 is still Federal law. While Oregonians passed Measure 91 to allow for recreational use of marijuana, we believe this attempt to overwrite policies surrounding drug-free work places will create confusion for contractors and grantees receiving Federal dollars to run programs in Oregon, placing those funds in jeopardy.

Our members with state contracts, and Oregon public employees, also have a requirement under to comply with a drug-free work place environment under the 1988 Drug-Free Workplace Act as described in the ORS. It is unclear from this measure how those statutes are impacted as House Bill 2655 doesn't seek to amend those statutes; it only provides a private right of action and an unlawful employment practice under ORS 659A.315.

Terminology in House Bill 2655 is vague and doesn't clarify in Section 1 (1)a what a bona fide occupational "qualification" means when replacing current text, which more clearly states "occupational requirements". Newly added (b) language, "performance of work while impaired", is also a standard with no definition. Unlike law enforcement members who have been trained to recognize impairment in situations like driving while distracted, most employers, particularly small firms, have no way to recognize or monitor for impairment.

Moreover, while the measure creates a right of employment action against the employer by the employee for failure to comply with this proposal, the bill offers no remedy for an employer should an employee show up to work impaired. In fact, it's unclear if impairment could be considered a terminable offense without putting an employer in jeopardy of litigation. Lastly, without a regular and enforceable standard, an impaired employee puts the employer's company at risk should an employee's impairment result in negligence which harms an another employee, a customer, or a member of the community.

Lawmakers should reject a measure like House Bill 2655 which takes from the hands of employers the ability to provide and maintain a safe work environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Ogden", is written over a white background.

Lou Ogden
Executive Director