



UNIFIED BUSINESS OPPOSES HB 4113

Background: In the past few legislative cycles, the Oregon Legislature has passed multiple bills that increase the right of private action against employers by employees and expanded the purview of the Bureau of Labor and Industries in a way that gives broad powers to engage in punitive actions for new statutory provisions. This imbalanced shift in power between employers and employees has created an environment where employers seek alternate ways to contract for labor or in the case of many small businesses, avoid or reduce hiring.

HB 4113 Opposition: While HB 4113 appears to be a well-intentioned piece of legislation aimed at protecting minor employees from co-workers or an employer who could have a criminal sex offense in their background, HB 4113 as written is overly broad both in the expanse of power the bill gives BOLI to investigate, without real cause, the private and criminal background of every owner or employee of an establishment that hires minor employees. Further, the bill gives minor employees a cause of private right of action for failure to protect them.

Two previous policy decisions by the Oregon Legislature make this bill unworkable.

1. In 2013, the Legislature passed a law that creates a tiered sex-offender registry whereby sex offenders are supposed to be classified for the registry, and only Tier 3 sex-offenders are made public as a matter of record. The Legislature then further expanded the law in 2015, removing from public purview juvenile sex offenders. The failure of this legislation is two-fold:
 - a. The Legislature failed to fund the work of sorting through over 30,000 people convicted of a sex-based crime. As a result, in 2019, the Legislature had to pass yet another extension to the Dept. of Corrections, extending the database tiering project until 2026.
 - b. The database has been proven to be inaccurate in terms of who is likely to reoffend, with high profile cases having made the press where someone who should have been on the list wasn't.
2. In 2016, the Oregon Legislature passed a "Ban the Box" law disallowing any questions on a job application about prior felony convictions.

The combination of these two pieces of policy, overlaid with the requirements and mandate outlined in the draft policy in HB 4113, make the bill being considered totally unworkable for private employers. The detrimental outcome created by vesting additional investigative authority and a new private right of action, when employers don't have the tools to protect themselves in the form of being able to search a public record for sex offenders or asking about prior felony convictions, leaves the private employer open to significant liability. The net effect of this bill as written would be that employers, who are already limited in what they can do to hire minors, would just stop hiring them altogether. That's bad for minors looking for a first job, and bad for employers.

As written, and without amendments to limit the scope of this measure, Unified Business Oregon opposes HB 4113 in its current form. We appreciate the intent to protect minors, but the state, through its own prior policy decisions, has created unintended consequences of which employers should not be forced to bear the burden.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Ogden", is positioned above the typed name.

Lou Ogden
Executive Director