



Bureau of Labor and Industries: WHD and CRD Backlog Update

September 2024





STATE OF THE WORKER REPORT

September 2024

NW Labor Press

BOLI at the breaking point

Oregon's Bureau of Labor and Industries says it's time for lawmakers to put their money where their mouth is.

"Every law passed to protect workers is only as strong as the agency that enforces it," said Oregon's independently elected labor commissioner Christina Stephenson in the statement. "Without adequate funding, the very laws designed to ensure fair treatment and safe working conditions for Oregon workers become hollow promises."

OregonLive.com

Oregon Labor Bureau says it will dismiss hundreds of workers' claims without \$22M budget increase

The Oregon Labor Bureau has asked Gov. Tina Kotek and lawmakers to increase its budget by roughly \$22 million so it can tackle massive...

STATE OF THE WORKER

While Oregon is known for having robust policies designed to protect workers—such as strong wage laws, civil rights protections, and access to apprenticeships—the reality is often impacted by the lack of resources and capacity within BOLI to effectively enforce these rights. This discrepancy leaves workers vulnerable and creates an unfair playing field for employers who are following the law.

PERCEPTION

Wage Policies

- Strong minimum wage law
- Prevailing wage laws enhancing local economy and use of local labor

Worker Protection Policies

- Strong civil rights, whistleblower and anti-retaliation laws

Stable & Secure Housing

- Strong anti-discrimination laws

Right to Organize

- Strong collective bargaining laws
- Protections against captive audience meetings

Affordable Childcare & Eldercare

- Paid leave/sick leave enforcement
- Childcare subsidies for apprentices in heavy highway construction and CHIPS

Access to Careers through Apprenticeship

- 160+ registered apprenticeship programs

Save for Retirement

- Oregon Saves offers access to retirement savings plan

REALITY

Wage Policies

- BOLI is unable to process all wage claims: 5% of claims or 183 claims from workers in 2024 dismissed under historic triage
- BOLI is unable to collect on 59% of wages due
- BOLI will very likely need to establish an earnings threshold soon, reducing the number of wage claims it can investigate by 17%, or 266 claims from workers
- Minimum wage is 33% of the cost of living for a family of 4
- Prevailing wage processes need investment and updating

BOLI will likely need to establish an earnings threshold, reducing investigations by 17%.

Worker Protection Policies

- BOLI unable to process all civil rights, whistleblower, and anti-retaliation claims
- BOLI has dismissed 67 cases this Summer due to budget constraints, and expects to dismiss as many as 400 total by the Fall of 2024

BOLI expects to be forced to dismiss as many as 400 cases by Fall of 2024.

Stable & Secure Housing

- Lack of awareness in tenant community about existing protections

Right to Organize

- Lack of protections for undocumented workers - enforced by similar agencies in other states

Affordable Childcare & Eldercare

- No childcare subsidies outside of construction and CHIPS
- Increased need for childcare subsidies in heavy highway construction
- Not able to process all sick leave complaints
- No money for paid leave enforcement

Requests for childcare support continues to climb, outpacing every other support service.

Access to Careers through Apprenticeship

- Compliance review deficit and concern about ongoing capacity
- Low capacity to develop programs in emerging industries like healthcare and education

Save for Retirement

- Unfunded enforcement mandate to ensure employer compliance

"The Bureau of Labor and Industries does not establish this threshold lightly. We recognize that many Oregonians may only be able to rely on the Bureau to help make them whole when their employer doesn't pay them what they're owed," Stephenson said in an emailed statement. "We simply don't have the resources to help everyone and must prioritize those who are paid the least."



Oregon Labor Bureau will begin dismissing wage claims from workers earning more than \$53K

oregonlive.com



INVESTIGATEWEST

Government

InvestigateWest Investigations

Oregon Report Spotlights State's Struggle To Enforce Worker Protections

By Kaylee Tornay | September 18, 2024

Oregon BOLI to implement salary threshold for investigations due to backlog of wage claims

Dianne Lugo
Salem Statesman Journal

Published 12:46 p.m. PT Sept. 24, 2024 | Updated 12:46 p.m. PT Sept. 24, 2024



"No worker should have to be told, 'Your rights don't fit within our budget,'" she said in an interview. "It feels like we are being forced to triage justice, and we're dismissing cases not because of the merits. We're just dismissing them because we don't have any resources."



Wage and Hour Division Backlog

September 2024



Overview of Wage and Hour Laws

- **Minimum Wage and Overtime**
- **Manufacturing Overtime**
- **Oregon Sick Leave**
- **Predictive Scheduling Law**
- **Prevailing Wage Rates:**
 - Coverage Determinations
 - Setting of Rates
 - Enforcement of Rates
- **Child Labor**
- **Workplace Protections:**
 - Rest/Meal Periods
 - Expression of Breast Milk
- **Personnel Records/ Recordkeeping**
- **Oregon Contractor Registration Act**
- **NEW in 2025:**
 - Warehouse Workers – Employee Records Request
 - Hospital Staff Laws – Rest and Meal Periods



Overview of Wage and Hour Laws

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***BOLI-only enforcement**



Rutgers University analysis: Oregonians lose millions each year

 **RUTGERS**

The Workplace Justice Lab @ RU
DATA BRIEF | March 2022

**Informing Strategic Enforcement Practices:
Claims and Compliance with Oregon's Minimum Wage**

Report by Jacob Barnes • Jean Round • Janice Fine • Daniel J. Galvin

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An analysis by the Workplace Justice Lab at Rutgers University estimated that Oregonians lost **\$283-\$405 MILLION** in minimum wage violations alone.

"an average of **88,000 to 128,000** workers a year are paid below the minimum wage in Oregon"



WAGE CLAIMS BY FISCAL YEAR & QUARTER



208% increase
FROM FY 20 to FY 24



2 Intake
6 Investigators

2 Intake
6 Investigators

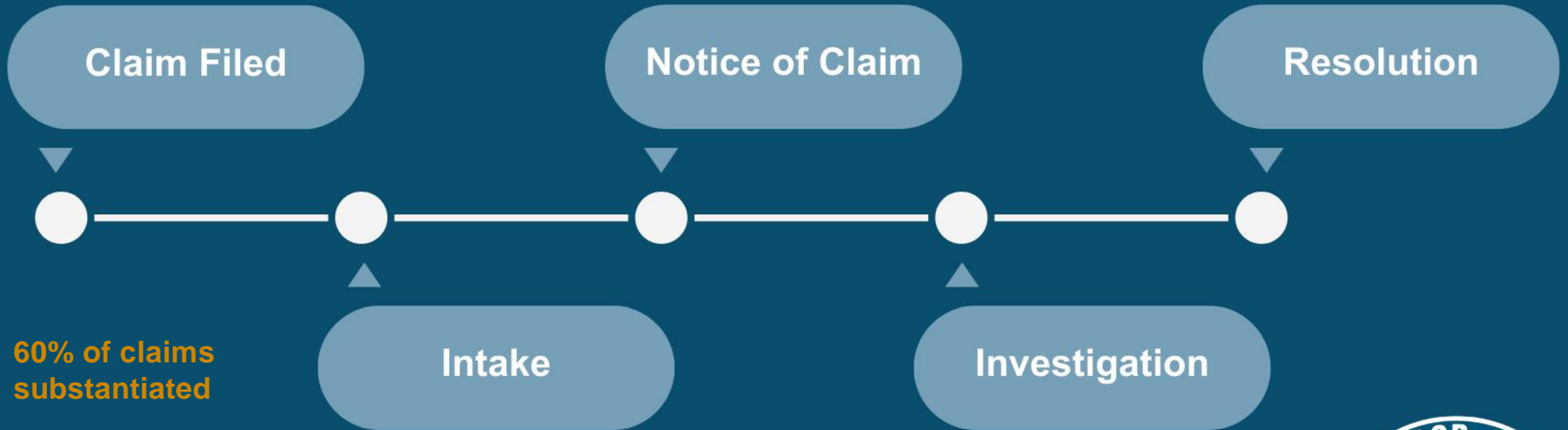
2 Intake
8 Investigators

5 Intake
8 Investigators

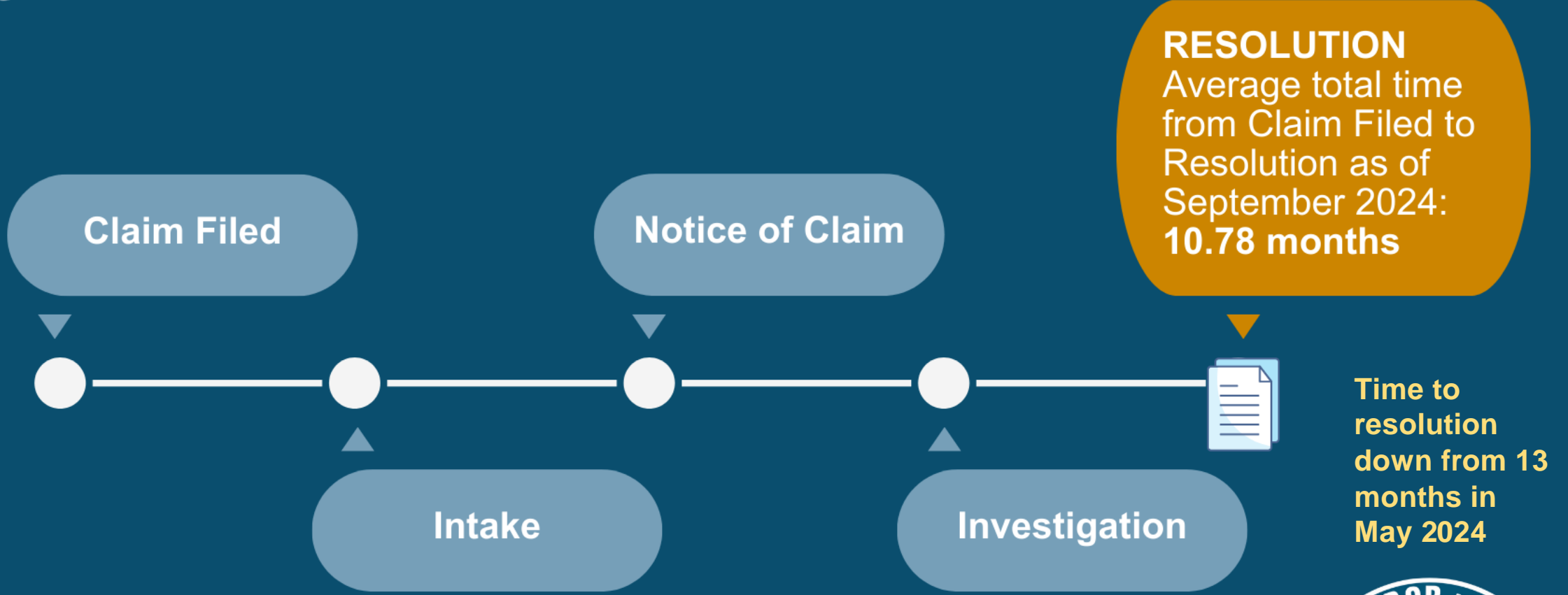
5 Intake
10 Investigators



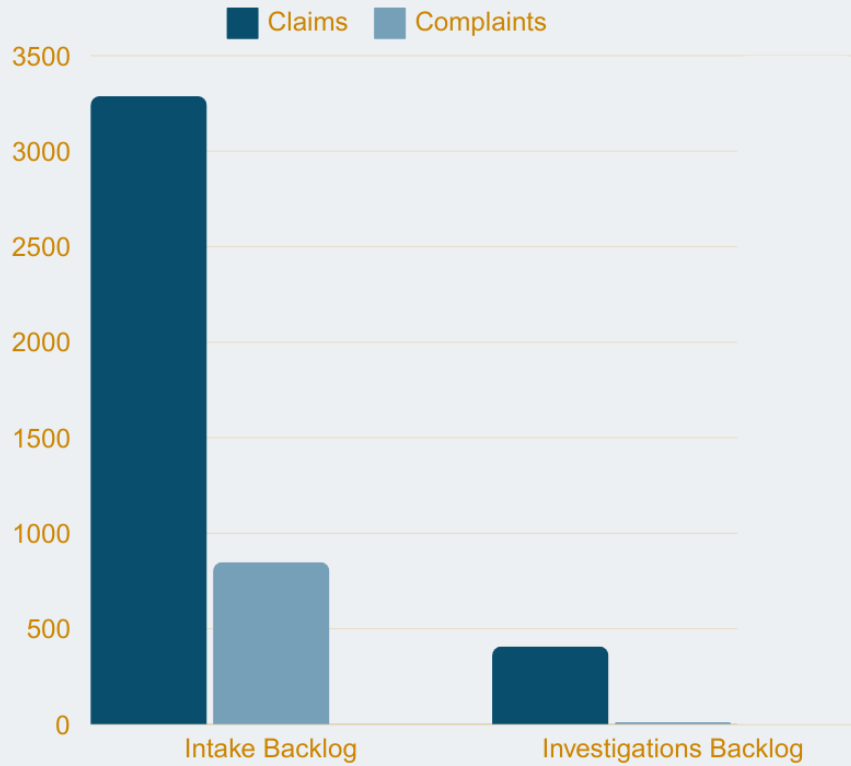
Wage Claim Process



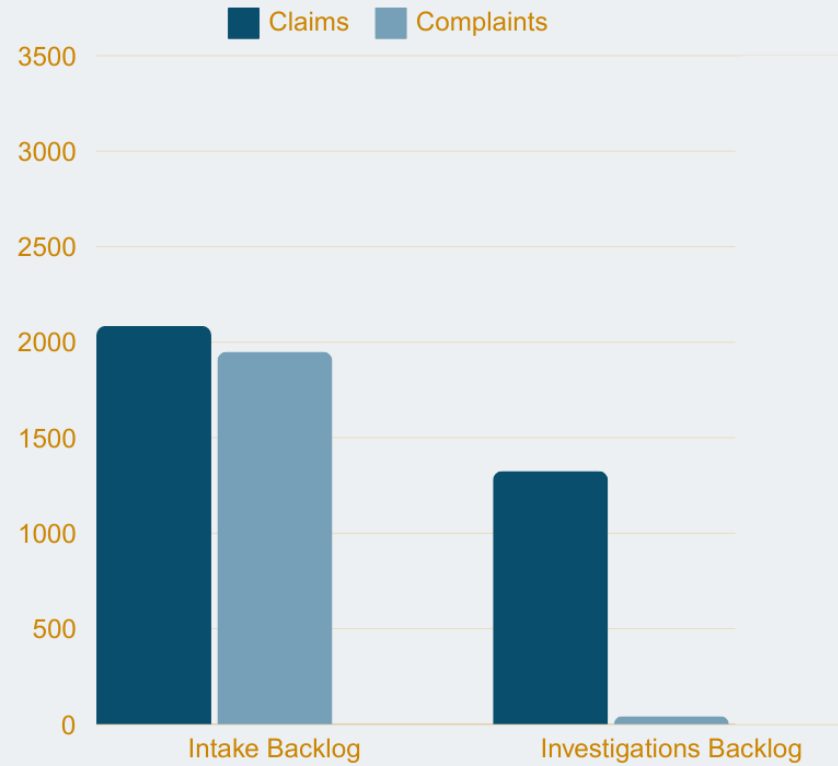
Wage Claim Process



May 2024 Backlogs

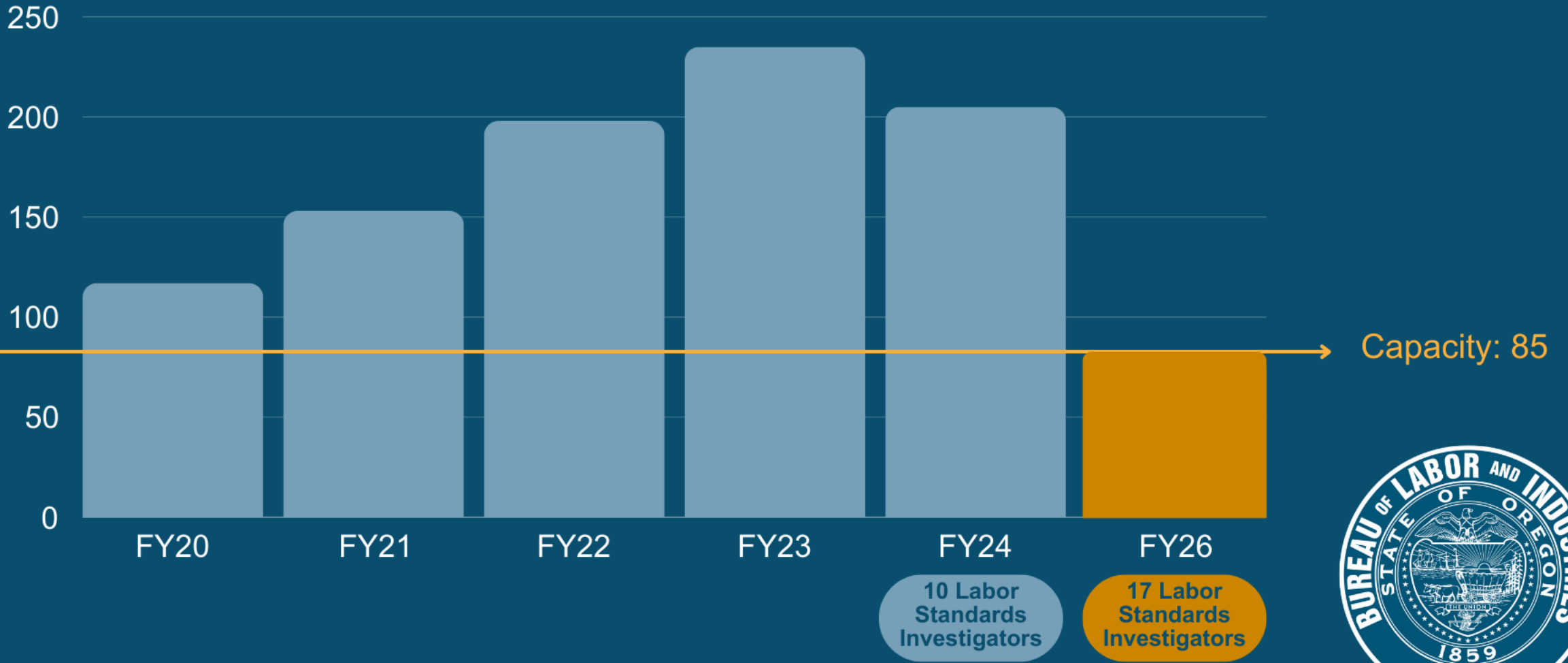


September 2024 Backlogs



Cumulative Cases per Investigator

Currently: investigators pulled off cases to answer calls because no dedicated support to answer questions from Oregonians



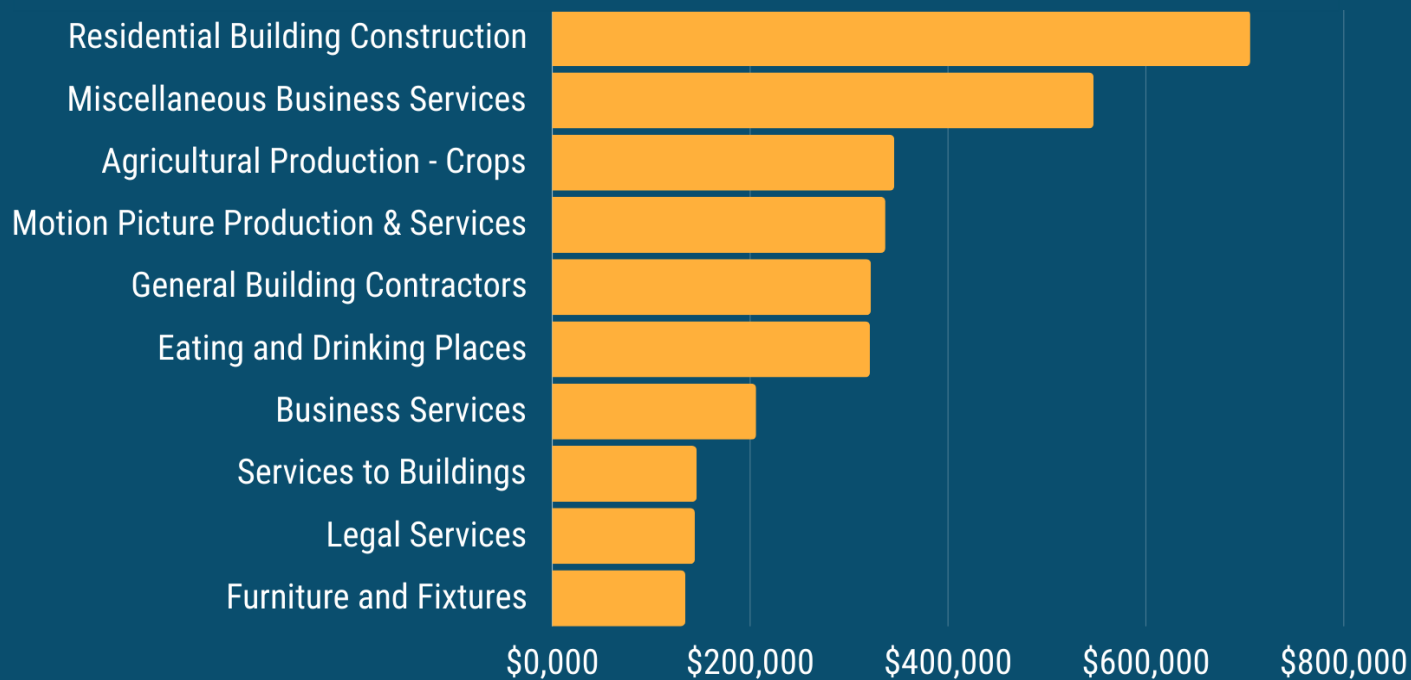


Comparison to Other State Labor Agencies



Inability to Collect Money Owed to Workers

\$3.2 million in wages & penalties left unpaid in top 10 industries



"Of the nearly \$12 million that the agency ordered employers to pay in back wages and penalties over the last eight years, **more than 40% — almost \$5 million — was never recovered,** an InvestigateWest analysis found."

InvestigateWest; 12/4/23
(2015-2022 collections)

*Chart by [Kaylee Tornay, InvestigateWest](#)



Enforcement Thresholds since ~1994

- Maximum of \$10,000 (\$15,000) for the total amount owed, unless the claim involves minimum wage or overtime issues.
 - We don't accept:
 - Commission-based wage claims, unless the claim involves minimum wage issues
 - Claims against close relatives or closely held companies
 - Expense-only claims, i.e. unpaid reimbursements
 - Penalty wages only claims
 - Benefit-only claims, i.e. unpaid vacation time cashouts
-
- Agency has historically stopped taking claims altogether when there was backlog, a practice since at least 2012.

5% of
cases
FY 2024



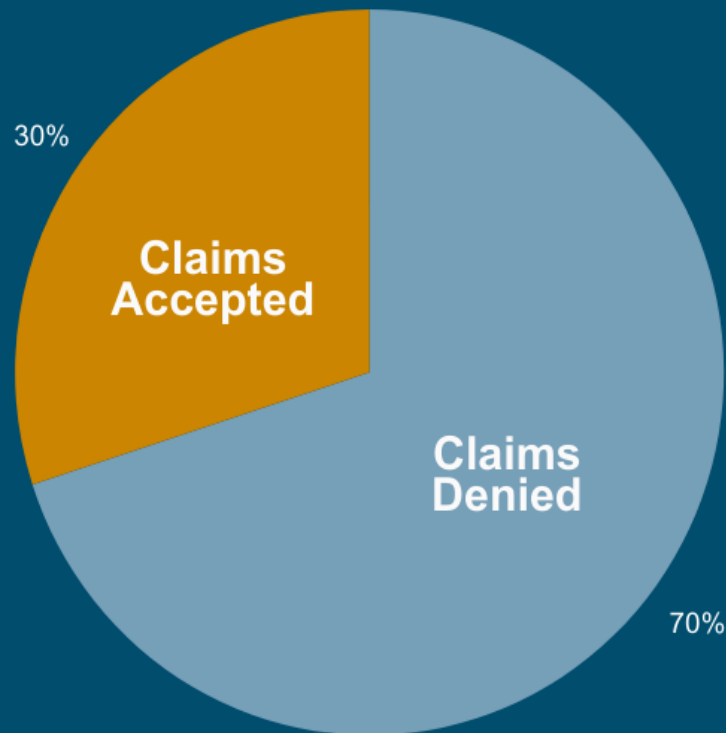
What measures will the agency have to take without additional funding?

1. Establish an earnings threshold

- October 2024 will implement threshold of 250% of the federal poverty line. This means that workers who make more than this would not be eligible for their case to be processed by BOLI. That threshold would be \$25.34/hour or \$52,710 per year.
- If funding requests aren't met, will need to consider lower threshold beginning next biennium.



What measures will the agency have to take without additional funding?



2. Reject approximately 70% of claims

- Reduce the types of claims we're accepting – overtime, meal and rest breaks, agreed rate, etc.



Civil Rights Division Backlog

September 2024



Overview of Civil Rights Laws

- Employment Discrimination
- Discrimination in Public Spaces
- Housing Discrimination
- Harassment
- Pay Equity
- Whistleblower Protections
- Leave of absence to donate bone marrow
- Service as appointed member of state board or commission
- Employee social media account privacy
- Restriction on criminal conviction inquiries (“Ban the Box”)
- Public accommodations – discriminatory notices
- Refusing to accept currency/coins
- Public accommodations – toilet facility access
- Public accommodations – closed captioning requirement
- Discrimination because of employment status

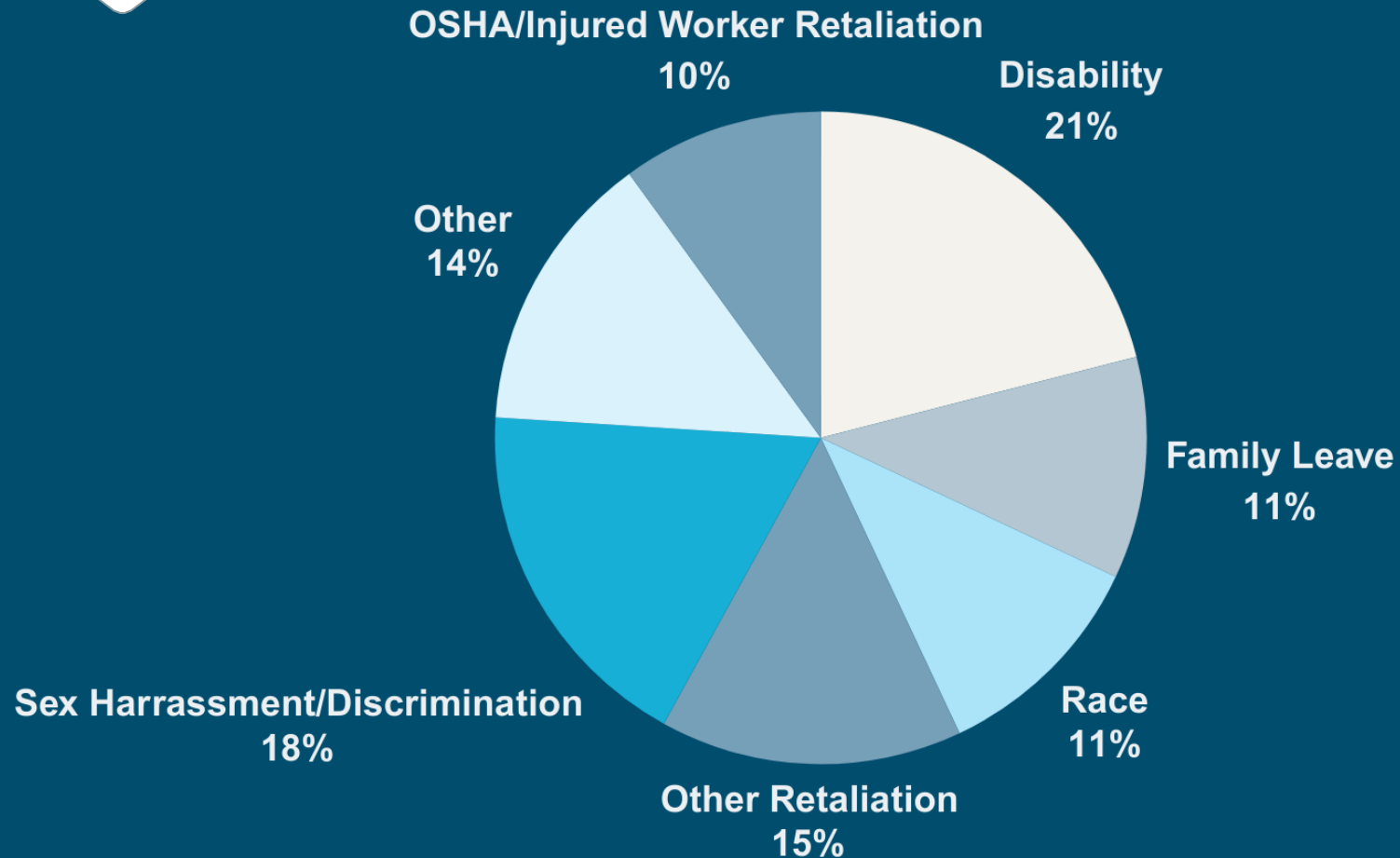


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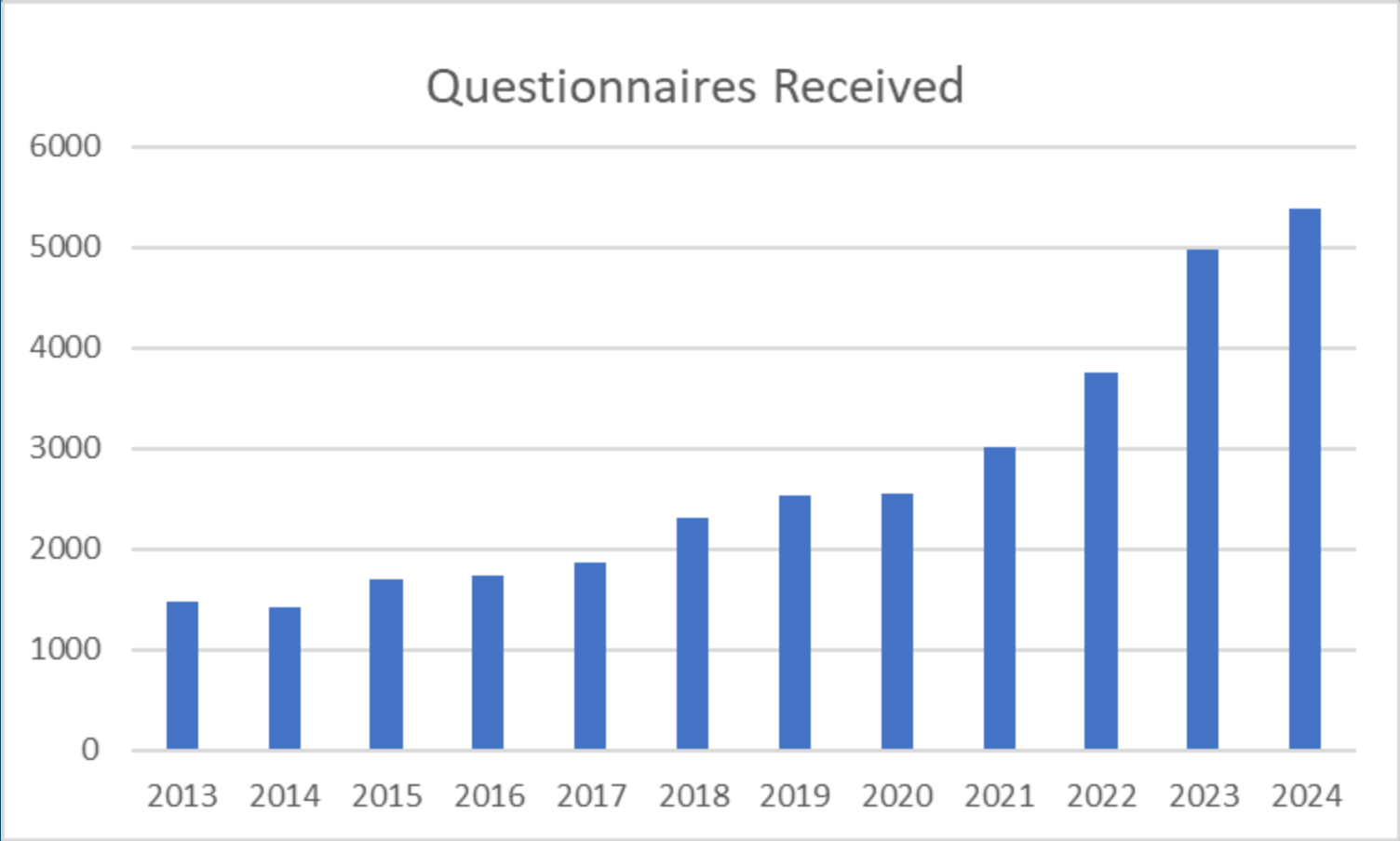


Types of Cases Filed with CRD



Exponential Increase in Civil Rights Inquiries

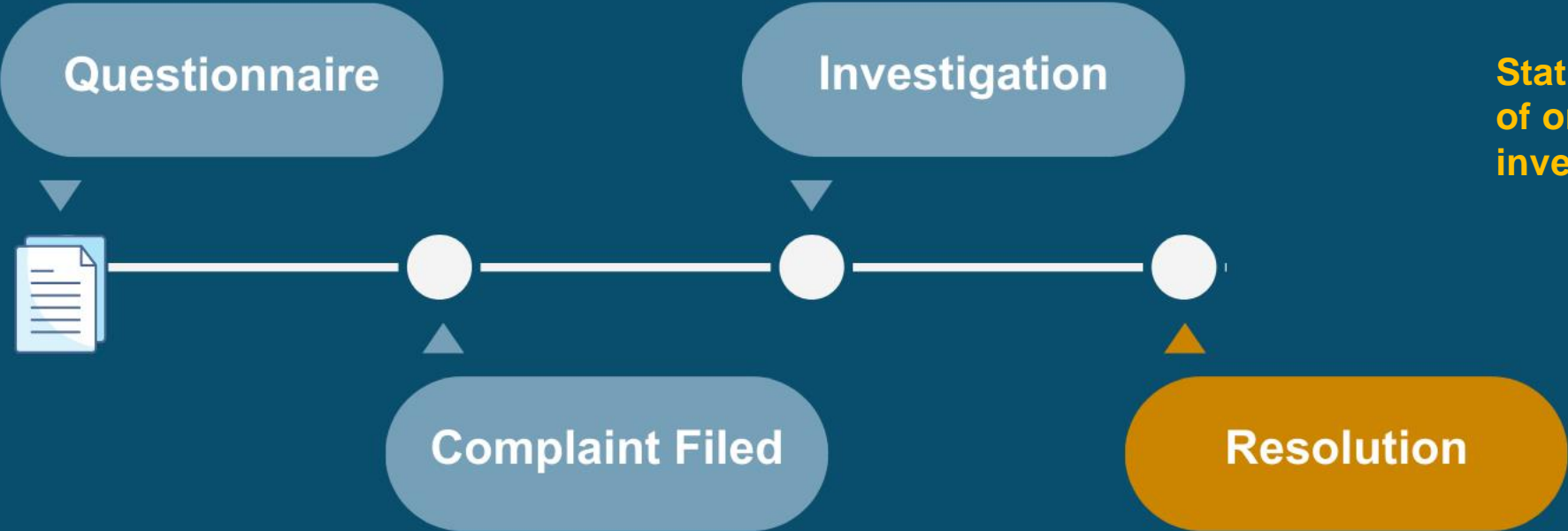
110% increase;
278% increase



50,000 inquiries
per year



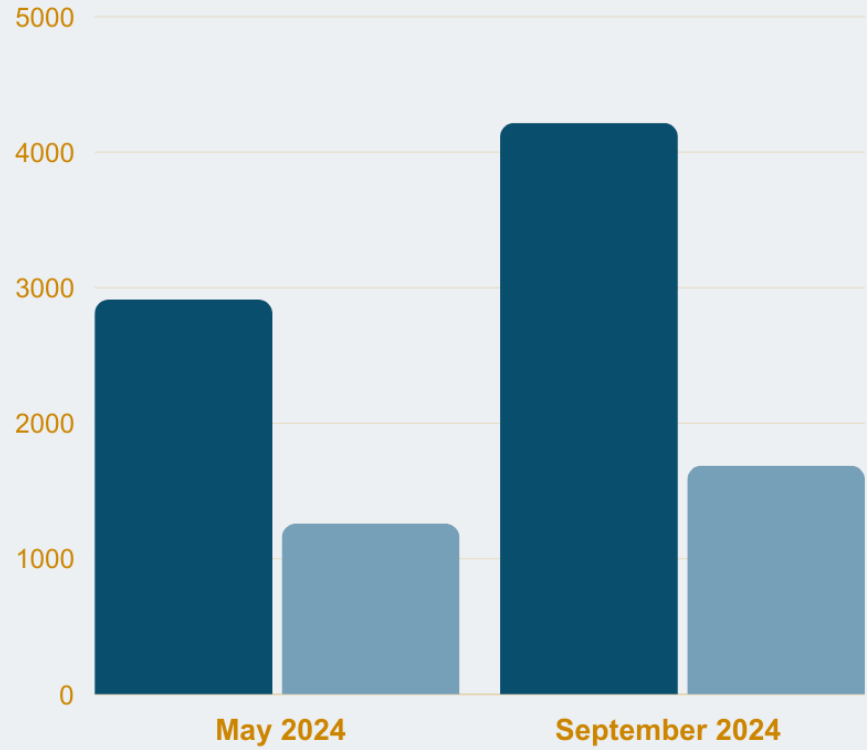
Civil Rights Investigations



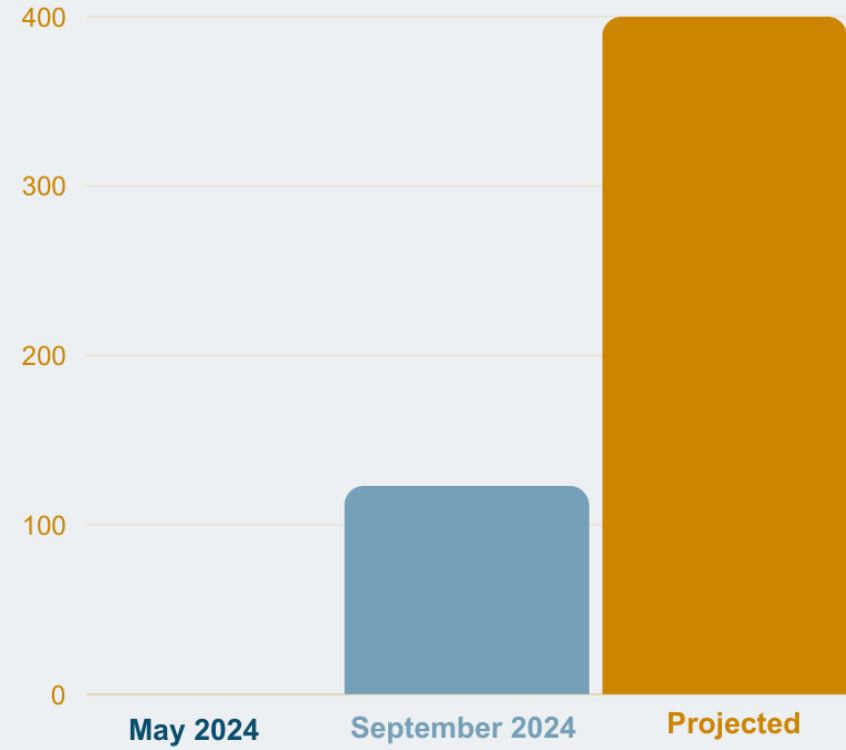
Statutory limit
of one year to
investigate case



CRD Intake Backlog



Resource Dismissals



CRD Exigency Triage

Prioritizing cases including:

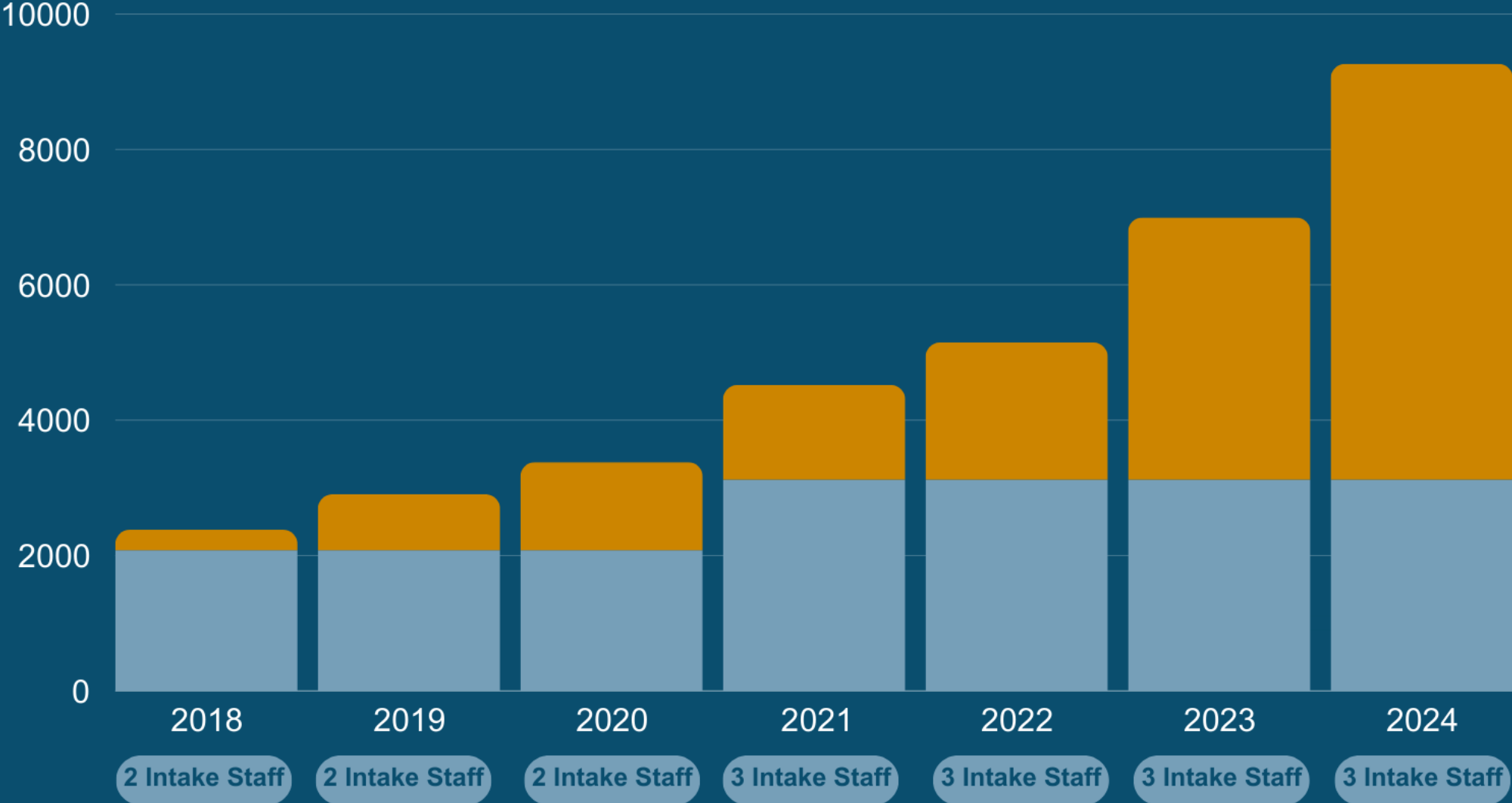
- Where BOLI is the only enforcement authority
- Cases where the whistleblowing alleges violations within state government including fraud, gross waste of funds, or substantial and specific danger to public health or safety
- Domestic violence leave cases
- Injured worker/ OSHA/ wage claim retaliation
- EEOC cases
- Housing cases

Remaining cases are more likely to be dismissed due to resource constraints



Questionnaire Backlog

Intake Capacity Backlog



What measures will the agency have to take without additional funding?

1. Dismiss approximately 40% of cases without an investigation



2023 Strategies to Address Backlog

- ✓ Improved and streamlined online intake forms, including information getting straight into database
- ✓ Began communicating timeline for claims to workers
- ✓ Focused on fiscal process and training of staff to successfully meet expectations of LFO, securing 9 positions in Wage and Hour during the 23-24 Legislative Sessions
- ✓ Opinion Letters can be requested by Employers, helping them comply and preventing claims
- ✓ Since February 2023, engagement with Class and Comp to do restructuring of Division to address workflow, recruitment, and retention issues
- ✓ Attempted backlog processing starting with oldest and newest complaints to meet in middle
- ✓ Planning Intake Triage Process with national experts began
- ✓ Received two investigator positions (June 2023)
- ✓ Received two conciliator positions (June 2023)



2023 Barriers to Address Backlog

- ❑ Case management system has numerous problems, which increases time to process claims
- ❑ Class and Comp process is lengthy, and only one part of the restructuring
- ❑ Too many new complaints incoming to meet in middle with backlog approach
- ❑ Re: triage plan, claim analysis needed to rely on external party – lengthy and our data is difficult
- ❑ Hiring delays due to bureaucracy



2024 Strategies to Address Backlog

- ✓ Launched new online combined complaint form
- ✓ Continued opinion letters
- ✓ Continued engagement with class and comp
- ✓ Overtime offered for backlog push
- ✓ June 2024 providing all parties with list of attorneys
- ✓ Changed backlog focus starting with oldest first, asking if complainants have been paid
- ✓ Hiring (6) CS1s 9 months early to focus on backlog
- ✓ Hired (3) Conciliator Positions (including repurposing a prosecutor position)
- ✓ Hired (2) Investigator Positions
- ✓ Staff Training on types of Evidence to speed processing
- ✓ Strategic enforcement to encourage future compliance

Former Portal

Filing a complaint
If your rights are being violated at work or in Oregon, you can file a complaint with us.
Learn more about the laws that protect you and your rights by searching for a topic in our [Help Center](#).

Which complaint should you file? Take this short quiz.

[Take the quiz](#)

Complaint forms
Which complaint should you file? Take this short quiz or choose from the list below to complete an online form.
If you have questions, please email bol_help@bol.oregon.gov or call 971-245-3644.

Full list of BOLI complaints:

- Wage and hour complaint (violations of breaks, meals, sick time, and other laws) (Violaciones de Reglas de Salarios y Horas de Trabajo)
- Wage claim (if you are owed money from your employer) (Formulario de reclamación de salarios)
- Prevailing wage complaint
- Employment discrimination or retaliation complaint
- Cuestionario De Discriminación En El Empleo
- Housing discrimination complaint
- Discriminación En Compra O Alquiler De Vivienda
- Public accommodations complaint
- Discriminación por Asistencia Psicológica
- CRD Online Questionnaire Authorization Form
- FORMULARIO DE AUTORIZACIÓN DE CUESTIONARIO ELECTRÓNICO

[Take the quiz](#)

Investigation process
Learn more about the process of a BOLI investigation and what to expect.

New Portal

Welcome to the Oregon Bureau of Labor and Industries Complaint Resolution Center

Empowering Oregon's Workforce for Fair and Equitable Workplaces
If you find yourself facing injustice at your workplace, in public spaces, or in housing, we are here to support you.

Having Trouble?
Download the [complaint form](#) to fill out manually.

HELPFUL INFORMATION

- [Your Rights At Work](#)
- [Fair Housing](#)
- [Your Rights to Public Spaces](#)

THE INVESTIGATION PROCESS

- Wage and Hour Investigations
- Civil Rights Investigations

WHAT TO HAVE READY

- Filing against your employer
- If you are owed wages
- Witness information

ACCESSING MY CASE FILE RECORDS

- You will receive a confirmation email after you have successfully submitted your form.
- If you need to request a copy of your case file, please submit a request [online](#) or email bolhelp.records@bol.oregon.gov

[Start the Process](#)

- ✓ CRD Exigency Triage
- ✓ Intake Form Changes to Speed Processing
- ✓ CRD Investigators helping with Intake
- ✓ Developing "Layered" Intake and Initial Complaint Handling Procedures
- ✓ Developing Initial Review Process to Speed Intake Response



2024 Barriers to Address Backlog

- ❑ Number of claims continues to rise exponentially
- ❑ Case management system causes delays and new system will not come online until 2027 at the earliest– if funded by legislature
- ❑ Slow hiring and class/comp process
- ❑ Backlog push is with limited duration staff or taken off other assignments



Resource Guide

Developed Resource Guide with Information on Financial Assistance, Food Aid, and Various Support Services

ACCESSING MY CASE FILE

Attention ✕

It may be up to **six months** before you will receive contact from our office after submitting this form. For immediate assistance see our Immediate Needs Resource Guide and Attorney List at <https://www.oregon.gov/boli/about/pages/contact-us.aspx>.

Information submitted through this form, including contact information, will become subject to public records law. BOLI does not post the information publicly, however upon receipt of a request for public records, BOLI may be required to disclose.

Please visit <https://www.oregon.gov/boli/about/Pages/public-records-request.aspx> for additional information.

OK

66 % OF COMPLAINANTS SAY THEY ARE EXPERIENCING **ECONOMIC HARSHIP** RELATED TO THEIR CASE

RESOURCE GUIDE

From the Bureau of Labor and Industries

In recognition of the challenges individuals may face while awaiting the resolution of their cases, this document serves as a resource guide, offering information on legal aid, financial assistance programs, food aid, and various support services.

LEGAL AID

- Legal Aid Services of Oregon 503-224-4086
- Oregon Public Benefits Hotline 1-800-520-5292
- Modest Means Program 503-684-3763
- Northwest Workers' Justice Project 503-525-8454
- Community Alliance of Tenants 503-288-0130
- Oregon Law Center www.oregonlawcenter.org

EMPLOYMENT/FINANCIAL AID

- Ombuds Office for Oregon Workers 503-378-3351
- Job Accommodations Network 800-526-7234
- Oregon Apprenticeship 971-673-0761
- Oregon Family Assistance 503-945-5651
- Oregon Employment Department 800-237-3710

*even if you have been terminated, you may qualify for unemployment benefits

FOOD AID

- Oregon Food Bank 503-282-0555
- SNAP (Food Stamps) 503-945-5600
- Blanchet House 503-241-4340
- Sunshine Division 503-823-2102
- Francis Center 503-755-6784
- Mainspring 503-233-5533

RENT/UTILITIES/HOUSING ASSISTANCE

- Human Solutions 503-548-0200
- Impact NW 503-294-7444
- Low Income Energy Assistance Hotline 1-800-453-5511
- Neighborhood House 503-246-1663
- Center for Hope and Safety 503-399-7722
- Social Services 2-1-1
- Oregon Energy Fund www.oregonenergyfund.org

MENTAL HEALTH SUPPORT

- Crisis Response 9-8-8
- Suicide Hotline (24/7) 1-800-273-8255

boli.oregon.gov

971-245-3844

boli_help@boli.oregon.gov

GUÍA DE RECURSOS

Del Departamento de Trabajo e Industrias

En reconocimiento de los desafíos que las personas pueden enfrentar mientras esperan la resolución de sus casos, este documento sirve como una guía de recursos, ofreciendo información sobre asistencia legal, programas de asistencia financiera, ayuda alimentaria, y varios servicios de apoyo.

AYUDA LEGAL

- Los Servicios Legales de Oregon (Legal Aid Services of Oregon) 503-224-4086
- Línea Directa de Beneficios Públicos de Oregon (Oregon Public Benefits Hotline) 1-800-520-5292
- Programa de Medios Modestos (Modest Means Program) 503-684-3763
- Proyecto de Justicia para los Trabajadores del Noroeste (Northwest Workers' Justice Project) 503-525-8454
- Alianza Comunitaria de Inquilinos (Community Alliance of Tenants) 503-288-0130
- El Centro de Leyes de Oregon (Oregon Law Center) www.oregonlawcenter.org

EMPLEO/AYUDA FINANCIERA

- Red de Acomodación en el Empleo (Job Accommodations Network) 800-526-7234
- Oficina del Ombuds para Trabajadores de Oregon (Ombuds Office for Oregon Workers) 503-378-3351
- Aprendizaje en Oregon (Oregon Apprenticeship) 971-673-0761
- Asistencia Familiar de Oregon (Oregon Family Assistance) 503-945-5651
- Departamento de Empleo de Oregon (Oregon Employment Department) 800-237-3710

AYUDA ALIMENTARIA

- Banco de Alimentos de Oregon (Oregon Food Bank) 503-282-0555
- Estampillas de comida (SNAP (Food Stamps)) 503-945-5600
- Casa Blanchet (Blanchet House) 503-241-4340
- La División Sunshine (Sunshine Division) 503-823-2102
- Centro Francis (Francis Center) 503-755-6784
- Mainspring 503-233-5533

ASISTENCIA PARA EL ALQUILER/SERVICIOS PÚBLICOS/VIVIENDA

- Nuestro Futuro Justo (Our Just Future) 503-548-0200
- Impact NW 503-294-7444
- Línea Directa de Asistencia Energética para Personas de Bajos Ingresos (Low Income Energy Assistance Hotline) 1-800-453-5511
- Casa del Vecindario (Neighborhood House) 503-246-1663
- Centro de Esperanza y Seguridad (Center for Hope and Safety) 503-399-7722
- Servicios Sociales (Social Services) 2-1-1
- Fondo de Energía de Oregon (Oregon Energy Fund) www.oregonenergyfund.org

APOYO A LA SALUD MENTAL

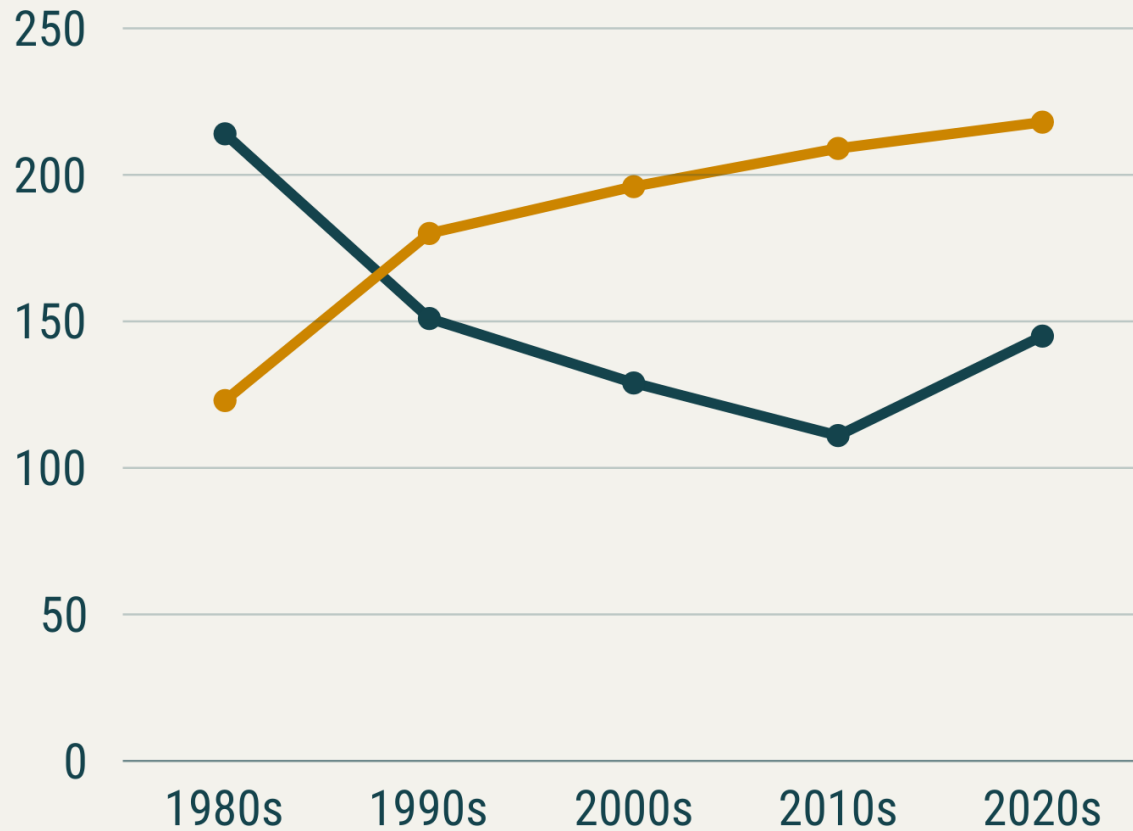
- Respuesta a la crisis (Crisis Response) 9-8-8, opción 2
- Línea directa de suicidio (Suicidio Hotline) (24/7) 1-800-273-8255



Investments in Agency Over Time

BOLI STAFF VERSUS WORKLOAD

- Oregon Workers
(in millions, divided by 10,000)
- BOLI Employees



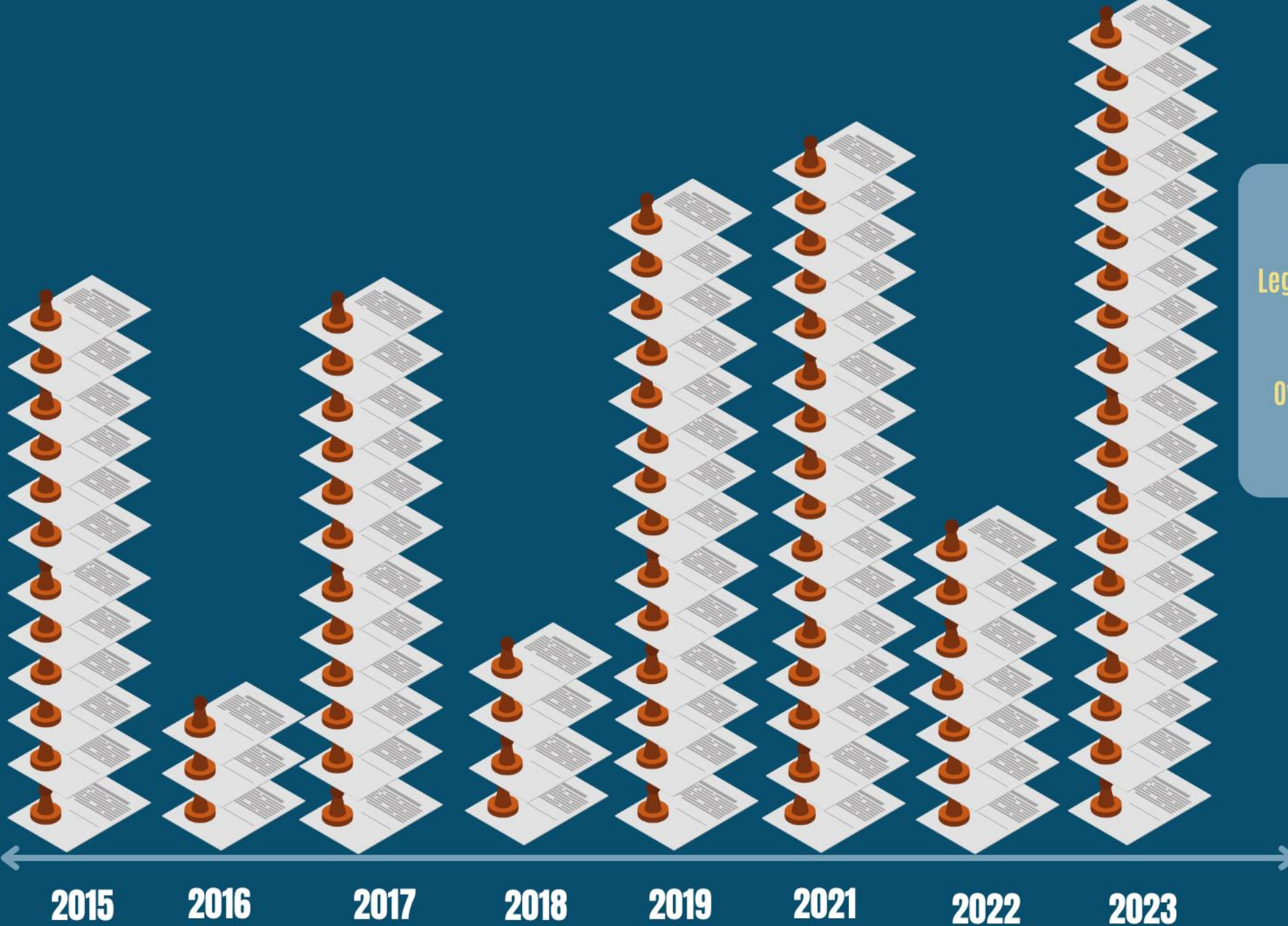
5,750

Oregon workers for every
BOLI employee in 1980

20,000

Oregon workers for every
BOLI employee in 2023





Cumulative Impact of Legislation that Impacts the Bureau of Labor and Industries Workload

Over 85 total laws passed

Unfunded Laws that the Bureau Enforces



Senate Bill 1515 Report
Apportionment of Duties between Bureau of Labor and Industries and Oregon Employment Department for OFLA & Paid Leave Oregon
September 2024

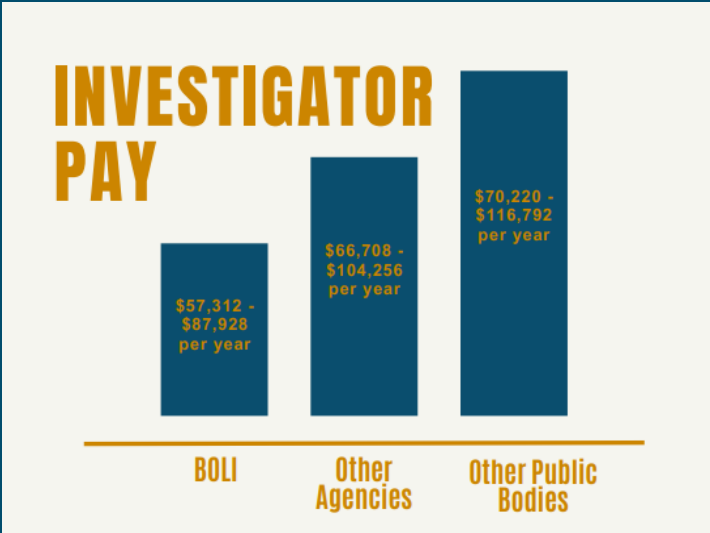
A future Oregon where individuals, employers, and families — *of every kind* — have the time and support they need to care for themselves and *their loved ones* during life's most important moments.

- BOLI is on track to receive 600 paid leave related claims this year.
- During just June of 2024, BOLI received over 1,200 calls and emails from Oregon workers asking about their rights under Paid Leave Oregon.
- From December 2022, through May 2024, Oregon employers contacted BOLI approximately 3,000 times with Paid Leave Oregon related questions.
- The Employer Assistance Unit at BOLI has forgone over \$230,000 in event registration fees to train employers on Paid Leave Oregon.



BOLI's Budget Proposal

REQUEST	PURPOSE	STAFF INCREASE	GENERAL FUND COST
Case Management Replacement	New system will help address backlog & improve efficiency.	5 New Positions	\$2,240,612
BOLI Modernization	Investment in key positions to address recruitment, retention, and workflow challenges, to keep BOLI afloat.	31 New Positions	\$8,396,109
Civil Rights Division Sustainability	Additional intake staff, mediator, and investigators to keep up with the volume of complaints.	15 New Positions	\$3,284,024
Wage & Hour Division Sustainability	Collections, intake, and customer service positions to allow investigators to focus on case resolution.	17 New Positions	\$2,644,340
Operations Sustainability	Investment in key positions to grow HR and IT capacity, ADA compliance, and more.	5 New Positions	\$1,329,655



Thank you

