

FROM THE DESK OF REPRESENTATIVE
SHELLY BOSHART DAVIS



Support a True Compromise Amendment

Oppose Divisive HB 3471A

Support HB 3471-MR4: True Compromise Proposal. HB 3471-MR4 addresses the majority of issues raised by the measure's proponents and provides attorneys the ability to utilize this tool in crafting settlement agreements.

The Minority Report is a true compromise. Employers would still give up some instances where they would otherwise wish to utilize this tool, and the bill proponents are not receiving a complete ban on the ability for employers to ask for no re-hire.

HB 3471A: This majority bill would end the ability of employers to include no-rehire provisions in their settlement agreements, when those agreements include disposition of workers' compensation claims, unless requested by the employee. The bill would require requests to be initiated by an employee; which is impractical, since injured workers (particularly those not represented by counsel) will not know that they can request this as part of the negotiation. The adopted amendment creates both an unlawful employment practice as well as a private right of action.

Importance of Keeping Settlement Agreements: There are legitimate reasons for requesting a no re-hire provision in cases involving workers' compensation claims.

- This includes instances where the employee is no longer able to work at the job safely physically because of the injury they sustained. In the case of occupational disease, returning to the jobsite will result in further exposure and likely another workers' compensation claim.
- Currently, this is also an important tool for employers when issues have arisen in the employment context, around the employee's workers' compensation claim. Most employees availing themselves of the workers' compensation system are legitimately injured at work and are trying to get back to work. However, there can be instances where it is in the best interest of the company that the employer and employee sever ties.

No Data: Furthermore, there is no data that these provisions are being abused by employers. Because there is no data that this tool is creating issues, we urge you to keep this tool for employers to use when necessary and oppose the change to settlement agreements proposed in HB 3471A.

For more info, please contact Kirsten Adams (AGC) 503-990-2262 or Derek Sangston (OBI) 541-815-6497

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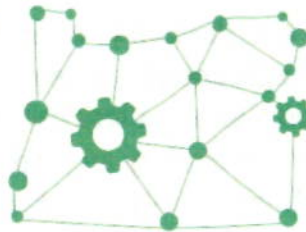
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