



---

# A STRONG VOICE FOR OREGON'S WORKERS

---

To: Chair Taylor  
Vice-Chair Bonham  
Members of the Senate Labor and Business Committee

FR: Catie Theisen, Oregon AFL-CIO

RE: SB 44, Business Ombudsman oversight authority

January 24, 2022

The Oregon AFL-CIO represents 300,000 workers across Oregon and is proud to be a voice for all workers in the legislative process. Thank you for the opportunity to voice significant concerns about the authority and oversight provisions of SB 44.

It's critical that businesses have the resources, education and support to comply with state law. However, Section 2 of SB 44 goes far beyond that in allowing the business ombudsman to "order a state agency to cease any action, take any action or refrain from taking any action" if they determine the business is undergoing or about to undergo significant hardship as a result.

Although the section clarifies that the business ombudsman may only issue an order as an extraordinary remedy, we remain deeply concerned that this would allow an unelected office to have extreme authority to suspend laws, programs and policies in general *and* without any metrics defining an "adverse business impact" nor a measurement to determine how a specific policy directly contributed to the business hardship.

In the legislative and rulemaking processes, state policies are discussed and vetted by stakeholders, content-area experts, and agency employees who will ultimately be responsible for implementing the policy. Although the bill allows the Director of DAS to override the order from the business ombudsman, this ultimately still shifts the ultimate authority away from the content experts.

While we are happy to have ongoing discussions on how to make sure businesses have adequate resources to follow state laws and rules, the fundamental change outlined in SB 44 as introduced would fundamentally subvert the legislative, agency and rulemaking processes in a very dangerous way.

