



March 16, 2023

**TO:** Members of the Senate Committee on Labor and Business

**FR:** Derek Sangston, Oregon Business & Industry

**RE:** Opposition to SB 925

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Chair Taylor, Vice-Chair Bonham, members of the Senate Committee on Labor and Business. For the record, I am Derek Sangston, policy director and counsel for Oregon Business & Industry (OBI).

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. Our 1,600 member companies, more than 80% of which are small businesses, employ more than 250,000 Oregonians. Oregon's private sector businesses help drive a healthy, prosperous economy for the benefit of everyone.

Thank you for the opportunity to testify in opposition to SB 925 as it is currently drafted. OBI opposes SB 925 because the bill does not align with the pay range posting requirements imposed by our neighboring states, would impose significant burdens on small businesses, and contains a private right of action.

As drafted, SB 925 would too broadly require every business in Oregon to list the pay range and benefits for any job posting. This requirement would exist regardless of the size of the business or how it establishes its compensation structure for its employees. SB 925 would also require employers to provide annual notices to employees about their pay, which OBI believes is redundant of requirements already imposed on employers. For example, employers must already provide employees their W-2's during tax season. These requirements would place a significant burden on Oregon's many small businesses that do not have sophisticated human resources or accounting departments and would not align with the similar laws on this issue that exist in other states.

The bill would also call for dual enforcement by both the Bureau of Labor and Industries (BOLI) through civil penalties and individuals through a private right of action. While OBI would be comfortable with BOLI enforcement, OBI is concerned that allowing enforcement of SB 925 through a private right of action would have drastic impacts on both Oregon's businesses and court system. Foremost, OBI worries a private right of action would open employers to extremely costly lawsuits for simple mistakes. A single mistake could result in 1,000s of lawsuits filed against an employer and each of those could result in \$1,000 to \$10,000 in statutory damages. In addition, potential plaintiffs who do not intend to even apply for a job with a given employer would be able to file a lawsuit against that employer based nothing more than a job posting.

OBI recognizes that for some businesses and organizations, providing salary information on job postings has increased both the quality and quantity of applicants. However, OBI is concerned that SB 925's incredibly broad requirements, which do not align with the requirements imposed

by our neighboring states, would place significant burdens and devastating costs on too many of Oregon's businesses.

To avoid those unfortunate and devastating impacts on Oregon's businesses, OBI urges you to reject SB 925 as it is drafted. Thank you for your consideration.

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