



# JACKSON COUNTY

Oregon

## Office of County Counsel

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March 30, 2023

Submitted via OLIS Testimony Submission Form

Chair Taylor, Vice-Chair Bonham, and the Members of the Senate Committee on Labor and Business

RE: Senate Bill 907 (2023)

Dear Chair Taylor, Vice-Chair Bonham, and the Members of the Senate Committee on Labor and Business:

Jackson County has had the opportunity to review the proposed -6 amendments to Senate Bill 907 (2023) and continues to encourage opposition to the Bill and opposition to the proposed -6 amendments. As identified in our written testimony on March 16, 2023, Jackson County believes that the provisions of SB 907 places the public safety at risk in emergencies. The proposed -6 amendments do not resolve our concerns. As such, we have the following concerns with the proposed -6 amendments.

First, the amendments do not define several crucial terms used in the language – “hazardous condition” and “reasonable alternative.” Under the language of the amendments, an employee could refuse to perform the duties of their job as long as they, in good faith, believed that a situation was going to expose themselves to a hazardous condition which would lead to serious injury or death and there was no reasonable alternative, even if objectively that was not the case. For example, Jackson County employees are required to drive snow plows during annual winter storms. Our weather conditions are such that the Interstate 5 pass at the Oregon and California border is frequently closed due to snow conditions. Members of the public are frequently advised during such storms not to drive because the conditions could result in a serious vehicle accident. Nonetheless, our employees are required to drive in those conditions to keep the roads clear for members of the public and emergency responders. Similarly, emergency responders are required to drive, even on unplowed roads, to ensure the public safety in these conditions.

Second, even if these terms are defined, for the protection of the public safety, public employees are required to go into situations which, no one would dispute, have hazardous conditions which could lead to serious injury or death and for which there is no reasonable alternative but to be exposed to the hazardous conditions. Firefighters entering a burning building to save a member of the public, public safety officers responding to an active shooter or other violent crime scenes, mental health crisis workers responding to a citizen having a violent mental health crisis – these are all situations in which the very job of the public employee is to be exposed to hazardous conditions which could result in serious injury or death and for which there is no reasonable alternative.

Senate Bill 907 (2023)

March 30, 2023

Page 2 of 2

As such, Jackson County believes that the provisions of SB 907 and the proposed -6 amendments can and will risk public safety. Public employees whose jobs are to engage with such situations would be protected for refusing to perform the very jobs for which they were hired. Thus, we strongly encourage the Committee to oppose both the provisions of SB 907 and the provisions of the proposed -6 amendments.

Sincerely,

/s Joel C. Benton

Joel C. Benton  
County Counsel

JCB:dtm