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April 27, 2023

To: The Senate Committee on Labor and Business  
From: Anthony K. Smith, National Federation of Independent Business  
Re: NFIB Written Testimony in Opposition to HB 3471 A

**Chair Taylor, Vice-Chair Bonham, and Members of the Committee:**

On behalf of the thousands of Oregon small business members of the National Federation of Independent Business, many being the smallest of small businesses, I would like to express our opposition to HB 3471 A, which would prohibit employers from entering into settlements or agreements disposing of workers' compensation claims that bar a worker from seeking further employment with an employer unless first requested by the worker.

There are legitimate reasons for requesting a no re-hire provision in cases involving workers' compensation. First and foremost, instances can and do occur where the employee is no longer able to safely work at the job because of the injury sustained. In the case of an occupational disease, returning to the jobsite will likely result in further exposure and the prospect of another workers' compensation claim.

Requiring no re-hire requests to come from employees is impractical, since injured workers will not know that they can request this as part of the settlement negotiation, unless they are already represented by an attorney, in which case their attorney should be able to communicate the monetary value of a no re-hire provision for the employee's consideration.

An amendment was offered in the House Committee on Business and Labor to limit this new requirement to those workers who are not represented by an attorney, since these individuals would not have received counsel regarding the potential benefits and consequences of a no re-hire provision. This amendment was rejected. The adopted amendment creates a new unlawful employment practice as well as a private right of action.

Please consider that in some circumstances it may be beneficial for the injured worker, the employer, or both, to part ways. All parties should have this option when

negotiating a settlement, especially when represented by competent attorneys who are more than capable of ensuring the best possible outcomes for their clients.

NFIB respectfully asks you to oppose HB 3471 A.

Thank you for your time and consideration,



Anthony K. Smith  
NFIB Oregon State Director