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STATE REPRESENTATIVE  
HOUSE DISTRICT 44  
NORTH/NORTHEAST PORTLAND



HOUSE OF REPRESENTATIVES  
**Testimony in Support of HB 2957A**

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

For the record, my name is Representative Travis Nelson, and I represent House District 44, North and Northeast Portland.

I am in support of House Bill 2957A, a straightforward but vital fix to ensure equitable and consistent access to justice for Oregonians facing harassment and discrimination in the workplace.

HB 2957A may sound familiar to some of you because of Senate Bill 726, which Chair Taylor championed in 2019, giving workers 5 years to file a lawsuit related to workplace discrimination or harassment. However, if a worker first files a complaint with BOLI, the statute of limitations can be drastically shortened. Once BOLI dismisses or declines to pursue the case, the worker only has 90 days left to file a civil lawsuit, which is a significant reduction in the time originally available under the law if they were to file the same lawsuit without first going through BOLI. **This hidden trap effectively shortens the statute of limitations for workers who seek help through the administrative process first, often without them even realizing it.** I want to be very clear: House Bill 2957A does not add any additional time to the statute of limitations. It does not change when the statute of limitations begins. It simply ensures that workers maintain the full five years they are already entitled to under Oregon law, regardless of whether they engage with BOLI first. This also does not put any additional, or new strain on BOLI and their process. This is just giving the workers their full statute window.

It is also important to clarify that while there is a 90-day timeframe tied to federal processes under the EEOC, Oregon operates differently. In federal cases, workers must wait to receive a "right-to-sue" letter from the EEOC before they can pursue a civil lawsuit, and then they have 90 days to act. Oregon does not require a right-to-sue letter to file a civil action. We do not need to mirror the federal process, particularly when our system is built to be more accessible to workers from the start and we already have a 5-year statute in place. However, there is a consequential loophole that does not allow workers the same right to that statute when filing through BOLI, and that is what this legislation is aiming to change.

Let me offer a real-world example. Imagine a woman facing sexual harassment at work. She endures it for six months before she finally decides to take action. She files a complaint with BOLI, believing that going to the state agency is the correct course of action. But, if BOLI dismisses her case after one year, which they are required to do, she will suddenly have just 90 days to find an attorney, build her case, and file a lawsuit. That's down three and a half years from what she otherwise would've had if she had gone through the courts.

I want to be very clear here because there was some confusion in the House. **Under Oregon law, workers have five years to file a civil claim. Period.** However, if they go through BOLI, they are currently forced into a much shorter and unfair 90-day window after BOLI issues its decision. If this legislation were to pass and even if BOLI took a full year to reach a decision, the woman in the example would still have three and a half years remaining to pursue her case, as originally provided by Oregon statute. There is no additional or extended time, just the time she was already entitled to.

This situation overwhelmingly impacts low-wage workers, young adults, women, and members of marginalized communities which are the very people who often rely on BOLI because they cannot afford private legal representation. **In fact, last year, 77% of civil rights complaints filed with BOLI were submitted without a lawyer. Nearly three-quarters of those complaints involved statutes carrying a five-year limitation period. We are effectively penalizing people for seeking help from the state.**

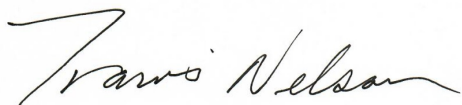
To make matters worse, some employers are inserting restrictive time limits into employment contracts, cutting off workers' rights before they even realize what has happened to them.

House Bill 2957A offers a solution. It ensures that workers retain the full five-year statute of limitations, whether they file directly in court or seek help through BOLI. It prevents employers from using contract fine print to limit workers' rights. And it will also ensure BOLI provides timely notices of rights, so workers actually understand the road ahead.

This legislation does not create new rights. It strengthens and protects the rights Oregonians already have, making sure they are meaningful and accessible in practice, not just on paper. No one should be punished for trying to do the right thing.

I respectfully urge your support for House Bill 2957A. Thank you for the opportunity to testify today.

Thank you,

A handwritten signature in cursive script that reads "Travis Nelson".

State Representative Travis Nelson  
House District 44, North/NE Portland