

SB 1505 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 2/4

WHAT THE MEASURE DOES:

The measure establishes the Home and Community-Based Services Workforce Standards Board (board), created to establish minimum standards for the home and community-based services workforce.

Detailed Summary

Board composition (11 members)

- 10 appointed by the governor, including:
 - three representatives of the home and community-based services workforce or labor organizations;
 - three representatives of employers of individuals of the home and community-based services workforce or employer organizations;
 - two recipients of services provided by the home and community-based services workforce; and
 - one representative of the Department of Human Services (DHC); and
- one representative of the Bureau of Labor and Industries, appointed by the BOLI Commissioner.

Minimum standards

- The standards must:
 - set compensation rates
 - establish curriculum and criteria for providing education, professional development, and career pathways; and
 - provide for the provision of paid benefits, including healthcare, paid family leave, sick leave, and retirement.
- Before adopting minimum standards, through rule, the board must obtain the following:
 - labor market data;
 - industry profitability and economic data;
 - testimony from current and former workers;
 - data submitted or obtained from state and local government entities related to consumers of these services; and,
 - any other information the board deems relevant.
- Before adopting minimum standards, the board must also:
 - hold at least one public hearing;
 - consult with a specific director at the Oregon Health Authority (OHA);
 - consult with the Home Health Care Commission; and,
 - consult with individuals receiving these services.
- Requires the board to consider prevailing labor market conditions no later than September 30, 2028
- Requires the board to establish initial minimum standards following the first the completion of the initial market study, but no sooner than March 1, 2029

Funding of minimum standards

- Directs specific agencies to conduct a fiscal impact analysis to determine whether a proposed minimum standard requires increased funding, including an increase in Medicaid reimbursement rates
- Requires the board to report to the Legislative Assembly and to the Governor the increase in funding needed to implement the standard

- Directs the board to amend or repeal a rule establishing a minimum standard to align with appropriated funding, if the Legislative Assembly appropriates less than what is needed to implement that standard
- Requires the board to seek approval from the Centers for Medicare and Medicaid Services for implementation of a proposed minimum standard, when necessary

Review and reporting requirements

- Requires the board to conduct a comprehensive review every four years, including a labor market analysis, to help the board decide whether it should revise existing standards or adopt new minimum standards
- Requires the board to submit a report every two years to the Governor and to the Legislative Assembly summarizing the results of the comprehensive review, and any actions taken by the board in the prior biennium

Other

- Allows the Bureau of Labor and Industries Commissioner to conduct investigations, issue subpoenas, administer oaths, obtain evidence, and take testimony to make determinations regarding implementation and compliance with established minimum standards
- Prohibits retaliation against home and community-based workers if a worker has inquired about, or exercised, any right in this act, or has participated in any process or proceeding in this act
- Provides remedies for allegations of violations of established minimum standards and clarifies that relief may be sought no sooner than 90 days after a minimum standard takes effect
- Requires the online registry administered by the Department of Human Services to include workers from the home and community-based services workforce
- Requires that any public hearing conducted by the board be accessible through electronic or virtual means, if possible

Fiscal impact: A statement has not yet been issued.

Revenue impact: A statement has not yet been issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A state or municipality may use a wage board to either recommend or establish wages, hours, and working conditions for an industry sector. Wage boards are typically composed of equal representation from industry employers and employees who must either together or with other members of the board achieve a majority to either adopt or recommend the adoption of wages, hours, or working conditions for the industry.

Wage boards may be advisory boards, making recommendations regarding minimum wages and working conditions to either the legislature or an executive official, such as a labor commissioner, or may be a policymaking body, having the ability to adopt minimum wages and working conditions, establish training requirements, and establish minimum content and posting requirements for workers' rights.

Currently, Colorado, Minnesota, and Nevada have labor standards boards related to home care or direct care employees. The Colorado Direct Care Workforce Stabilization Board (DCWSB) was established in the Division of Labor Standards and Statistics in 2023. The DCWSB is composed of 15 members representing direct care employers, direct care workers, direct care consumers, individuals with disabilities, and older adults. It is an advisory body required to develop and report to the legislature and governor recommendations for minimum direct care employment standards.

The Minnesota Nursing Home Workforce Standards Board (NHWSB) was established in 2023 as a policymaking body for the purpose of investigating market conditions and existing wages, benefits, and working conditions for nursing home workers as well as adopting rules establishing minimum nursing home employment standards. The NHWSB has equal representation from nursing home employers, nursing home workers, and state officials.

Members representing employers and employees are appointed by the Governor. A majority vote of the members is required to take any action, including establishing minimum nursing home employment standards.

The Nevada Home Care Employment Standards Board (HCESB) is an advisory body established by the Director of the Department of Health and Human Services upon their own judgment or petition of 50 or more home care employees. The membership includes the Director, who serves as chair and nonvoting member, the Labor Commissioner, three representatives of home care employers, three representatives of home care employees, and three persons who receive or are representatives of persons who receive services from a home care employee. The HCESB must investigate and develop recommendations regarding minimum wages and safe and healthful working conditions for home care employees and may administer oaths, take testimony, and subpoena witnesses and materials relevant to the investigation.