

February 23, 2026

Representative Ben Bowman, Chair  
Representative Lucetta Elmer, Vice-Chair  
Representative Hai Pham, Vice-Chair  
House Committee on Rules  
Oregon State Legislature  
900 Court St. NE, Salem, OR 97301

**RE: Salem Chamber Written Testimony in Opposition of HB 4089**

Dear Chair Bowman, Vice-Chair Elmer, Vice-Chair Pham, and Members of the House Committee on Rules,

Our organization represents over one thousand (1,000+) local businesses and forty-five thousand (45,000) employees in the Salem area. The breadth and diversity of industries represented by our membership demonstrate an intersection of the small businesses that collectively create our state economy. The Salem Chamber supports a healthy business climate and fair labor practices that incentivize employees and employers to work together for economic growth.

Employees have a pathway for collection of unpaid wages through the Bureau of Labor and Industry ("BOLI") or by seeking a judicial determination by initiating a civil action. Oregon statute (ORS 652.200) also provides that should a Plaintiff prevail in their wage claim; reasonable attorney fees are mandated to be paid by the non-prevailing party. Additionally, an employee can seek redress from the EEOC pursuant to a federal wage and hour division complaint with the U.S. Department of Labor.

HB 4089 will create criminal liability for small businesses for accidental misclassification of an independent contractor or for failing to verify licensure. HB 4089 seeks to apply a civil standard of "known or should have known" akin to a "reasonable person" standard while applying criminal law which in most cases requires a "mens rea" element proving intent to commit the crime. This key element for criminal liability is imposed on defendants who know their actions constitute criminal activity. Making an employer a potential felon without their intent to commit a crime places extreme undue burden on small businesses who don't have in-house counsel or HR departments to navigate the myriads of ever-changing employment laws and confirm every licensure of hired contractors. Employers who believe they are acting in good faith could lose their business and gain a criminal record for misinterpretation of Oregon's workplace protections or paperwork requirements.

We urge a no vote HB 4089 because the potential of accidentally pulling good actors into criminal proceedings is a fear small business owners should not have.

Respectfully,   
Tom Hoffert, CEO Salem Area Chamber of Commerce

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Salem Area Chamber of Commerce