

Testimony in Support of the Oregon Corporate Accountability Act, SB 750
Senate Committee on Workforce
April 4, 2019

My name is Mike Swisher. I worked at an Applebee's in Bend, Oregon, to pay the bills while attending college.

I experienced and witnessed a lot of illegal pay practices while working there. Managers regularly made us work off the clock, telling us to wait until it got busy to clock in or clock out but keep working if we were getting close to overtime hours. Managers even adjusted hours after the fact to keep labor costs down. Sometimes they would even schedule us to work whole shifts just for tips, not letting us clock in at all. People did it because they needed the money.

I needed my hours so I didn't want to confront management because I didn't want to lose my shifts. But I tried a couple of times, and they would blame someone else and say it wouldn't happen again. But I found out that some managers were actually trained to do it.

I knew this was wrong, but it was very difficult to find help. I did not have money for a lawyer and when I contacted BOLI, they couldn't really help. They said I could fill out a form that stated what I was owed and Applebee's would have the option of paying it or fighting it. Since I didn't know the exact figure of what was stolen from me, I didn't want to go that route. It also didn't offer any help to all the other people that were dealing with this.

When I finally found the Northwest Workers' Justice Project, they told me it would be too difficult to bring the case alone and it would be best if I could get other workers to join the fight. But then we discovered I had signed an arbitration agreement that contained a ban on class actions, meaning my co-workers and I could not join forces to confront the company together. I didn't really understand the arbitration agreement when I signed it. I thought it was just part of the paperwork required for the job. I definitely did not see it as giving them a license to steal.

It was a huge disappointment they got away with this and I was never reimbursed any of the thousands of dollars in wages that were stolen from me – and I was just one of many victims. I still do not eat at Applebee's even though I have friends that work there because I do not want to give them my money.

I believe in right and wrong. But their practices allowed them to steal and avoid paying people a lot of lawfully owed money. When I finally tried to do something about it the state failed to take any action, and my attempts were blocked because of a piece of paper I had to sign to get a job so I could pay my bills. I was stuck there being their victim for years while I struggled to make rent and all my bills. I couldn't afford to start over. It is not easy to change jobs in the situation I was in and start over working my way up from the bottom at a new place.

That is why I support SB 750. I believe it will give workers another way to hold companies accountable. Thank you for your time.