

SB 750 STAFF MEASURE SUMMARY

Senate Committee On Workforce

Action Date: 04/09/19

Action: Without recommendation as to passage, rescind subsequent referral to Judiciary and be referred to Ways and Means by prior reference.

Vote: 4-0-1-0

Yeas: 4 - Golden, Knopp, Monnes Anderson, Taylor

Exc: 1 - Hansell

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 4/4, 4/9

WHAT THE MEASURE DOES:

Authorizes relator, a defined term, to bring civil action in name of State of Oregon to enforce certain laws, including workers' compensation, sick leave, occupational safety and health, wage and hour, and civil rights in employment, public accommodations, and real property transactions. Authorizes state to intervene in civil action brought by relator. Authorizes court to assess civil penalty in same manner as state, and where statute doesn't impose civil penalty, allows court to assess civil penalty of \$250 for each individual affected per two-week period in which violation occurred unless court concludes award would be unjust. Prohibits retaliation against relator or individual who assists relator. Prohibits contract from impairing right to bring public enforcement action. Creates Community Outreach and Labor Education Fund.

ISSUES DISCUSSED:

- Need for more resources and staff to enforce laws under jurisdiction of Bureau of Labor and Industries (BOLI)
- Amendments to narrow scope of laws subject to public enforcement

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Currently, only the Bureau of Labor and Industries (BOLI) or the Department of Justice (DOJ) may bring legal actions to enforce public contracting requirements; wage and hour laws; minimum wage law; laws regulating employment of minors; laws regulating overtime and meal breaks; laws regulating breast feeding in the workplace; laws protecting domestic workers; occupational safety and health laws; workers' compensation laws; laws regulating employment agencies; laws regulating labor contractors; laws regulating farmworker camp operations; laws defining content of employer-provided health care plans; laws prohibiting discrimination in education; laws prohibiting interference with terminating a pregnancy; laws prohibiting discrimination in employment, public accommodations, and real property transactions; laws restricting inquiries into salary, credit, or criminal history of job applicants; and laws regulating construction contractors.

Senate Bill 750 allows a relator to bring enforcement actions for violations of the laws listed above subject to certain limitations, such as where the state has elected to take enforcement action and served notice on the relator, or where the violation relates to certain notice or posting requirements. The relator is required to file a notice with the agency charged with enforcement of the relevant law, and the agency has thirty days to decide whether to investigate. Upon receipt of an agency decision declining to investigate or if the responsible state official fails to timely decide, a relator may then commence a legal action.