

# House Bill 2490

Sponsored by Representative HOLVEY; Representatives ALONSO LEON, FAHEY, KENY-GUYER, Senators FAGAN, MANNING JR (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Commissioner of Bureau of Labor and Industries to appoint long term care wage board to examine factors that may present challenges to recruiting and retaining long term care employees.

Prohibits employers from retaliating against long term care employees who participate in board activities. Permits commissioner to assess civil penalty against employers that retaliate against employees. Requires moneys collected as penalties to be used to reimburse board in carrying out board's duties.

Requires board to adopt recommended compensation schedule for long term care employees. Requires board to submit annual report to Bureau of Labor and Industries. Allows Commissioner of Bureau of Labor and Industries to consider recommended schedule in establishing compensation rates for long term care employees.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to the long term care wage board; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) The Commissioner of the Bureau of Labor and Industries shall appoint a long term care wage board to examine factors that may present challenges to recruiting and retaining long term care employees including, but not limited to, compensation, work schedules and other working conditions. The board shall consist of nine members appointed by the commissioner from the recommendations and nominations received under subsection (2) of this section.**

**(2)(a) The commissioner shall solicit recommendations of qualified individuals from any source including a labor organization, provided that the labor organization maintains a membership of at least 100 members. The commissioner shall select members from the recommendations as follows:**

**(A) Three members who represent long term care employees;**

**(B) Three members who are employers who hire long term care employees; and**

**(C) Three members who represent the interests of individuals who receive long term care services.**

**(b) If the commissioner does not receive a sufficient number of recommendations, the commissioner may appoint any remaining positions on the board, in any combination, from among the following:**

**(A) An employer who employs long term care employees;**

**(B) A labor organization that represents the interests of long term care employees; and**

**(C) A representative of a long term care facility or other facility that is responsible for individuals receiving long term care services.**

**(3) The commissioner may employ the services of a professional researcher to serve in**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 an advisory capacity to the board.

2 (4) The board may employ and compensate employees and other advisors as the board  
 3 deems necessary and appropriate. Members of the board shall receive such compensation as  
 4 the board determines is necessary and shall be reimbursed for expenses they incur in the  
 5 exercise of board duties.

6 (5)(a) Employers that employ long term care employees who serve as members of the  
 7 board shall grant reasonable leave to the employees to participate in board activities without  
 8 loss of compensation.

9 (b) An employer may not penalize or retaliate against a long term care employee because  
 10 of the employee's participation in any of the activities of the board.

11 (6)(a) The commissioner may assess a civil penalty in an amount determined by the  
 12 commissioner against an employer who violates subsection (5) of this section.

13 (b) All moneys collected as penalties under this subsection shall be paid to the Bureau  
 14 of Labor and Industries to reimburse the board for the costs incurred by the board in per-  
 15 forming its duties under this section.

16 (7) The term of a member of the board is two years. A member of the board may be re-  
 17 appointed.

18 (8) After the appointment of the initial board members, successor board members shall  
 19 be appointed by a majority vote of the board members, before the expiration of the term of  
 20 a member, but not later than January 1 of each even-numbered year.

21 (9)(a) The board shall adopt rules for conducting meetings and any other rules as neces-  
 22 sary for carrying out the duties of the board.

23 (b) All meetings of the board shall be held as public meetings, in all regions of the state,  
 24 and the board shall receive oral and written testimony at the meetings.

25 (10) The board shall:

26 (a) Evaluate and make findings regarding factors that may contribute to a shortage of  
 27 a skilled long term care workforce including, but not limited to:

28 (A) Compensation rates; and

29 (B) Lack of health care benefits or other paid benefits including, but not limited to, paid  
 30 family leave, sick leave or retirement benefits; and

31 (b) Make recommendations regarding:

32 (A) Strategies that define uniform standards for training and education for long term  
 33 care employees;

34 (B) Proposed increases to the hourly minimum wage paid to long term care employees;  
 35 and

36 (C) Improvements to working conditions, including work schedules and workplace stan-  
 37 dards relating to safety.

38 (11) In addition to the duties prescribed to the board under subsection (10) of this section,  
 39 the board shall annually review the compensation rates paid to long term care employees in  
 40 this state. The board shall prepare and approve by a majority vote a recommended compen-  
 41 sation schedule for long term care employees.

42 (12)(a) The board shall submit to the commissioner no later than December 31 of each  
 43 year a report that includes the findings and recommendations of the board. The board shall  
 44 include in the annual report the recommended compensation schedule described in sub-  
 45 section (11) of this section.

1       **(b) The commissioner, in consideration of the compensation schedule submitted under**  
2 **paragraph (a) of this section, establish by rule a minimum rate at which long term care**  
3 **employees shall be paid, provided that the rate established by the commissioner is not less**  
4 **than the hourly minimum wage rate that is required under ORS 653.025.**

5       **(13) As used in this section:**

6       **(a) “Long term care employee” means an employee or agent who provides long term care**  
7 **services at a long term care facility.**

8       **(b) “Long term care facility” has the meaning given that term in ORS 442.015.**

9       **SECTION 2. The long term care wage board shall submit the first report required under**  
10 **section 1 (12) of this 2019 Act no later than December 31, 2020.**

11       **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
12 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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