

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/06/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 04/06

Vote:

Yeas: 4 - Burdick, Gelser, Prozanski, Thatcher

Nays: 1 - Kruse

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Provides Commissioner of Bureau of Labor and Industries with authority to issue warrant for unpaid amounts due resulting from judgment. Allows 30 days from date that amount becomes due prior to issuing warrant. Requires warrant to include principal amount of debt, accumulated interest, and costs associated with recording or serving warrant.

ISSUES DISCUSSED:

- Current administrative process for wage and hour violations
- Warrant not available until final order issued and time for appeal passed
- Majority of claims deal with wage violations
- Over \$30 million in unsatisfied final orders
- Other types of violations that may result in final order

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

The Bureau of Labor and Industries (BOLI) is responsible for enforcing compliance with state wage and hour laws and for enforcing Oregon's civil rights laws. At times, BOLI enforcement may lead to an administrative order for payment of back wages or fines. The final order is appealable. A recent survey of BOLI cases showed over \$30 million in unsatisfied judgments from wage and hour violations.

Senate Bill 468 A provides the Commissioner of BOLI with the authority to file a warrant with the County Clerk Lien Record. A properly served and noticed warrant acts as a judgment against the debtor, who may then be subject to liens and garnishment. In order to issue the warrant, the judgment must be entered, the time for filing of notice of appeal expired, and the warrant must reflect the principal amount of the debt, any added interest, and any other costs.