

SB 164 -3 STAFF MEASURE SUMMARY

Senate Committee On Workforce

Prepared By: Ellen Osoinach, LPRO Analyst

Meeting Dates: 2/5, 3/14, 3/19

WHAT THE MEASURE DOES:

Makes employer's failure to comply with rules of the defined contribution plan of the Oregon Retirement Savings Board (Board) an unlawful employment practice. Allows Board to request investigation by the Commissioner of Bureau of Labor and Industries (BOLI) to determine compliance. Authorizes employee to submit complaint to BOLI. Requires BOLI to investigate requests from Board and complaints from employees. Authorizes Commissioner to assess a civil penalty in amount determined by Commissioner. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Authorizes employees to file complaints two years after the date of employer's required registration with Oregon Saves program. Grants BOLI discretionary authority to investigate requests from Board or complaints from employee. Clarifies Commissioner's authority to impose civil penalty arises after contested case proceeding.

BACKGROUND:

HB 2960 (2015) created the seven-member Oregon Retirement Savings Board, chaired by the State Treasurer. In 2017 the Board created OregonSaves, a defined contribution retirement plan. Employers with 20 or more employees are required to automatically enroll their employees in OregonSaves if the employer does not offer a qualified retirement plan. Employees enrolled in OregonSaves make post-tax contributions to a Roth IRA which is administered by the Oregon State Treasury. Employers do not contribute to OregonSaves accounts.

Currently, no enforcement process exists for ensuring compliance with Board plans. SB 164 authorizes BOLI to enforce the Board's rules governing OregonSaves.