

Chair Taylor & Committee Members:

SB 726 as written and the A3 look to be circular in nature plus lacks real remedy but I could be mistaken?

The original bill created a seven year statute of limitations for filing. However, the one-year existing statute remained making it confusing. The court's remedy was limited to the past two years after filing except for a \$200 penalty it appears. The question of retroactive, as most civil bills, was left to the court. In the case of the child abuse laws passed due to the Boy Scout and Catholic Church, the law as retroactive. Accountability is critical with the reminder the HCT on the first day of Session changed Rule 27 to reach back four years. Yet, BOLI remains a year at best, and the EEOC 180 days on average.

The A3 looks to create a five-year statute of limitations which is good. However, the one-year statute remains plus the combined court remedy looks to be limited to the past two years. Hence, looks like it is in effect it is a two year statute of limitations on any remedy? Except the \$200 penalty is elsewhere in the law. Some clarity would be helpful in the record to understand if this is symbolic legislation for public disclosure or legislature in which the Court, or BOLI, could effect a remedy beyond two years i.e. back five years?

There are other issues with the amendment and bill but if the real statute of limitations do not change from existing law these issues simply do not matter.

The committee's clarification of intent in the committee record on whatever passes out of committee would be quite helpful.

While it is outside your committee's authority, the Legislature is in fact going backward on the reporting of employee abuse, workplace & sexual harassment, and retribution effective two days ago. Direct access to outside counsel reporting has been eliminated with Dian Rubanoff's contract termination on Tuesday. All new informal or formal complaints have to be given to Daron Hill and Jessica Knieling for screening meaning direct to the same leadership and staff just like before the Oregon Law Commission report and BOLI complaints. The continued failure of leadership to even comply with their own letters claiming outside independent reporting let alone the common word violations of the BOLI settlement raises serious questions of intent on the part of the Legislature. This is a sad state of affairs for employees who simply have no reason to trust any of us given the track record of the 90 members to date. For the record, this opinion is not mine but what has been expressed by employees themselves over the past weeks. There are individuals who are asking for the independent complaint process as they do not trust us, leadership, or BOLI, for very good reasons. That only leaves the EEOC which is not good. Yes, employees could file a lawsuit but lack money for a lawyer. A well know fact. I think we can do better but again this is outside both our authority.

Thank you for your hard work on this critical issue.

Sincerely submitted,

Brian J. Boquist
Oregon State Senator