

HB 2205 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/24

WHAT THE MEASURE DOES:

Allows individuals or organizations to bring a public enforcement action on behalf of and in the name of the State of Oregon. Allows multiple allegations by different persons aggrieved by same defendant within the public enforcement action. Provides confidentiality for individuals who are represented in action by an organization. Allows court to levy a civil penalty equivalent to what the relevant state agency or state official could levy, and if no penalty is provided, allows the court to assess a \$250 penalty for each aggrieved person per two-week period in which the violation occurred. Provides distribution formula for recovered penalties. Prohibits contracts from impairing right to bring enforcement action. Prohibits use of public enforcement action for cases that have already been heard and determined. Prohibits public enforcement action when state agency has taken enforcement action within specific time periods. Provides protection from and cause of action for retaliation based on bringing or cooperating with a public enforcement action. Requires Attorney General to establish publicly available database of public enforcement actions. Applies public record disclosures to contents of public enforcement actions. Specifies timeline and notice provisions for public enforcement actions. Allows Attorney General or responsible state official to intervene in public enforcement action and specifies process for settlement. Makes findings.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The state of California enacted a Private Attorneys General Act (PAGA) in 2004. Under the measure, an employee may file a claim with a state alleging violation of labor laws and if the state does not provide notice that it will undertake an investigation, the individual may bring a claim against the employer directly on behalf of themselves or others.

House Bill 2205 creates a process for private individuals and organizations to bring public enforcement actions on behalf of and in the name of the State of Oregon for violations of statute or rule for which a state official has the power to enforce. The measure provides parameters on notice, timelines, and process for public enforcement actions.