



**Service Employees International Union – Oregon State Council**

6401 SE Foster ▪ Portland, OR 97206

**To: Joint Committee on Ways and Means Subcommittee on Transportation and Economic Development**

**On: March 10, 2021**

**Re: House Bill 5015**

Co-Chairs Beyer and Gomberg, Members of the Committee,

Thank you for the opportunity to submit this testimony about the budget bill for the Bureau of Labor and Industries (BOLI) on behalf of SEIU and our members. We are an 85,000 member union in Oregon and Southwest Washington, and a 2 million member union nationally. We represent both the staff who work at BOLI, as well as thousands of workers around the state who rely on the work they do and the services they provide.

Our testimony is broken into sections based on the various divisions at BOLI. Overall, we appreciate the investments the Governor's Recommended Budget proposes for this Agency, but do have some concerns about reductions/flat funding in the Wage & Hour and Apprenticeship Divisions. Broadly, our ask of the Legislature is to fund BOLI at a level that allows the Agency to carry out new and ongoing enforcement responsibilities to ensure Oregonians have access to justice.

### **Civil Rights Division**

The work of BOLI's Civil Rights Division is critical to protecting workers and members of the public from discrimination, harassment, and retaliation. Our members who work in the Civil Rights Division report that workloads were high pre-pandemic, and that caseloads have only increased in the last year. When caseloads are high and the workforce can't keep up, a backlog begins to build up that significantly impacts the members of the public trying to access BOLI's services. Those impacts aren't theoretical, either - someone who has reached out to BOLI for help and who isn't able to access it could lose their job, their housing, or their wages, among other things. For this reason, we appreciate that the GRB adds nine new positions to the Civil Rights Division, including four positions specifically for Federal Fair Housing enforcement.

### **Wage & Hour Division**

For Oregon to become *stronger, fairer, and more resilient*, Oregon workers need to know their employers will respect their rights and dignity and pay all wages earned. Some employers fail to pay their workers the wages they owe. All too often, this happens to the most vulnerable workers, in low-wage industries, often immigrants.

We regularly talk with workers who do not have a union and have serious problems getting their employers to compensate them according to law. We often encourage them to file wage claims, but many choose not to report the wage theft for fear of losing their jobs.

In one instance, a janitor who formerly worked for a building maintenance company, cleaning at a major sports apparel company's headquarters, reported that she requested paid sick leave after taking time off due to an injury in 2017, but her employer refused to pay as legally required, until BOLI investigated. BOLI's investigation revealed that the employer's policy appeared to prevent workers from using their protected sick leave. One janitor received her back pay, and hundreds more were granted access to their earned time off.

In another example, a janitor reported she felt pressured to work off the clock every day, and that if she spoke up about it feared that she would lose her job. She filed a complaint with BOLI seeking tens of thousands of dollars in wages she had not been paid. Her complaint was nearly dismissed after months of investigation. Despite her willingness to contribute to the investigation, she shared a cell phone with several family members. The family changed phone numbers during this time. BOLI investigators with limited time nearly closed the case multiple times, before she ultimately followed up to provide required details. After nearly a year-long investigation, her employer offered her a settlement – and asked her to quit. She agreed, and got her back pay, but was out of a job.

These are reasons why the BOLI Wage & Hour Division needs additional funding, both to hire additional staff to stay ahead of the rising number of complaints and claims workers are filing. This is especially important when a claim is not cut-and-dry, because when investigations take too long, some employers look for the chance to fire complainants on a pretext.

The agency narrative notes that wage claims rose 25% in 2020, and a "Majority of wage complaints/claims are for working conditions (minimum wage and overtime), late paychecks, sick leave, meal and rest breaks."<sup>1</sup> The post-pandemic world will remain a tough place for many workers to survive and thrive, and those that have not been treated fairly and lawfully will need backup.

For these reasons, we support the budget for the Wage & Hour division, at a minimum. This will retain current staff at current FTEs and add one badly-needed bilingual compliance specialist position in BOLI's Eugene office, and reclassify all four positions in the Proactive Investigation & Enforcement (PIE) unit, to be able to investigate both Wage & Hour and Civil Rights complaints at the same worksites. This reclassification is both good for workers' rights and an efficient use of state resources, because when workers report violations of wage & hour law, some employers retaliate against them, which itself is a violation that can be investigated by the Civil Rights Division.

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<sup>1</sup> Slide 11, <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/CommitteeMeetingDocument/233820>

## **Apprenticeship Division**

In 2019, the Legislature chose to fund a limited duration Apprenticeship position to support veterans seeking training and apprenticeship opportunities; House Bill 2202 was requested by the Veterans and Emergency Preparedness Committee. This position was originally funded with \$250,000 from the Veterans' Services Fund. The Governor's Recommended Budget did not include funding to continue this position, and as a result it will end in August of 2021 unless the Legislature acts to preserve it. We believe that this position is critical to the work of BOLI, and are urging this committee to consider the Agency's request to fund the position permanently.

Thank you for the opportunity to submit this testimony on behalf of the hardworking folks at BOLI, and workers across Oregon.

Sincerely,

Courtney Graham  
Political Strategist SEIU Local 503, OPEU, on behalf of the  
SEIU Oregon State Council