



Standing for dignity in the workplace

Testimony in Opposition to HB 2160
January 26, 2023

Chair Grayber, Vice Chairs Lewis and Tran, and Members of the [Committee On Emergency Management, General Government, and Veterans](#),

My name is Kate Suisman. I am an attorney at the Northwest Workers' Justice Project. We represent workers in low-wage jobs when bad things happen to them at work, like when they are not paid or are discriminated against for being in a protected class or retaliated against for speaking up. We also engage in policy advocacy and try to bring the important perspectives of workers in low-wage jobs and immigrant workers to these policy discussions.

We have reviewed HB 2160 and understand the Treasurer's intent to streamline the process for unclaimed property. We believe a longer period for workers to claim wages would allow more workers to claim wages they are owed, but will defer to the Treasurer's office on the one-year timeline they are suggesting.

Based on our experience representing workers with wage claims, we have suggestions for Sec. 3 of the proposed bill, which has to do with the definition of wages, and would amend ORS 98.33.

- The statute refers to (and under the LC would continue to say) "unpaid wages" which is a confusing way to refer to wages that were paid by the employer but not claimed by the worker. We suggest something like, "due and owing wages that are unclaimed." (The proposed changes could potentially interfere with wage claims more than 1 year old, even though that isn't the intent of this section.)
- Since this proposed change would be under the statute that is specifically about "Lost, Unclaimed or Abandoned Property; Vehicle Towing," it makes sense that the use of "unpaid wages" here is different than it is under Oregon's wage laws but this should be clarified. We suggest the addition of something like, "This bill does not impact a worker's claim for wages that have been contested or wages that have not been presented to the employee in usable form."
- The process to claim funds from the Treasurer needs to be straightforward, user-friendly and readily accessible by workers. We are happy to work with the Treasurer's office on this, and get feedback from workers who may need to access this process.
- A process should be in place to make sure employers make a good faith effort to pay the workers before paying into the fund, including attempting to make payment as described by ORS 652.140(4). The statute could refer to this section of Chapter 652 and state that employers shall have complied with it before reporting wages unclaimed.

Thank you for your consideration.