

Oppose HB 2800 – Protect Employers’ Ability to Hire Qualified Candidates

HB 2800 will create challenging dynamics for employers to navigate and will result in confusion for employers, employees and in our court system related to what constitutes age discrimination.

HB 2800 exposes employers to costly litigation and bog down our already strained court system

- HB 2800 redefines age discrimination which could dramatically impact long standing precedent set by courts related to age discrimination.
- Age discrimination in Oregon is already clearly defined as any adverse action related to any person’s age over 18 with limited specific carve-outs. This bill complicates and confuses that by attempting to highlight age discrimination for older Oregonians but keeping in place discrimination regardless of age if you are over 18.
- In reference to the new definition of age, it states the definition should be “liberally construed” which will clog courtrooms with unnecessary cases to determine what is and is not age discrimination.
- The ambiguity of the bill language puts employers in the position of having to prove their hiring and retention decisions are *not* based on age discrimination. If an employer is acting in good faith and is not basing employment decisions on age, they are forced to prove a negative, which is nearly impossible in most cases.

HB 2800 contradicts existing equal pay laws and prohibits employee protection based on tenure

- Oregon’s Equal Pay Act *protects employees* by listing “a seniority system” as one of the authorized factors that can justify a difference in pay between workers of a different age, race, sex, religion, etc. HB 2800 would forbid this.
- Similarly, the federal Equal Pay Act has authorized the use of a seniority system to justify differences in pay since it was enacted in 1963.
- HB 2800 specifies “Length of service with an employer” as a characteristic closely associated with age. In doing so, this bill calls into question whether existing collective bargaining agreements based on seniority would be lawful. This could also negatively impact longer tenured employees because their length of service could no longer be a consideration when companies are forced to lay-off portions of their workforce.

HB 2800 will waste time for both employers and potential employees

- HB 2800 forces employers to make hiring decisions without adequate, relevant information and exposes any employer using a seniority system to a risk of lawsuits.
- HB 2800 prevents employers from asking job applicants basic questions about years of experience in the field in which they’ve applied for a job and prevents language identifying skills that may be necessary for fulfilling work responsibilities.
- It will disadvantage applicants with more experience by prohibiting employers from asking about their qualifications in a job posting.
- Additionally, it disallows hiring efforts aimed at helping students pay for college to gain experience in a field before graduating.

HB 2800 will confuse employees and employers forcing everyone into a costly courtroom – Please vote NO!

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