



Oregon moms and caregivers fighting for gender, economic, and racial justice.

To: House Committee on Business and Labor
From: Family Forward Oregon
Date: February 12, 2024
RE: In Opposition to HB 4050

Chair Holvey, Vice-Chairs Elmer and Sosa, Members of the Committee,

Family Forward Oregon is a statewide grassroots advocacy organization working to improve systems of care and workplace conditions for mothers and caregivers by fighting for economic, racial, and gender justice. We appreciate the opportunity to share our concerns with HB 4050.

Family Forward worked in 2017 with partners and legislators to ensure we have a strong equal pay law in Oregon. The law includes a number of bona fide factors available to employers to justify pay differentials; from seniority, merit, location, travel, education, training, experience, a system that measures earnings based on the quantity or quality of worker output, or the stipulations of a collective bargaining agreement.

In our understanding of HB 4050, by adding "business necessity" to the list of bona fide factors the application would be applied across all types of compensation, not just hiring and retention bonuses. The vagueness of the term "business necessity" and the sizable broadening of scope causes us significant alarm. Furthermore, paired with the -1 amendment, HB 4050 could further pay inequity by placing the burden of proof that an alternative policy offered by a worker is a "reasonable" one.

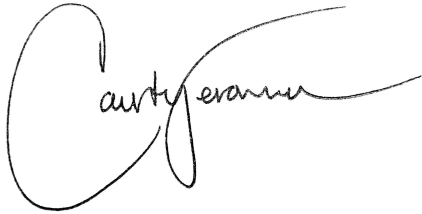
It is important to uplift that hiring and retention bonuses, and increasing compensation due to competitive offers, is already allowed under current law. In fact, at least one of the employers claiming the inability to do so is currently advertising and offering hiring bonuses. BOLI provides guidance for bonuses under the equal pay law on their webpage, including¹:

- *An employer may match a competing job offer during the hiring process so long as any difference in compensation between employees performing work of comparable character is not on the basis of a protected class and can be justified by one or more of the bona fide factors provided by law.*
- *Employers may still give employees bonuses, so long as they are available to all employees performing work of comparable character on an equal, non-discriminatory basis.*

¹ <https://www.oregon.gov/boli/workers/Pages/equal-pay.aspx>

Thank you for the opportunity to share our concerns with HB 4050. We commend the Legislature's great work on equal pay, which has provided several very important provisions to end pay inequity in Oregon. Family Forward urges you to protect this progress.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney Veronneau". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Courtney Veronneau
Deputy Director of Movement Building
Family Forward Oregon