



REJECT HB 2957 – UNFAIR PROCEDURES FOR EMPLOYMENT LAWSUITS

HB 2957 abuses the BOLI investigation process

Plaintiffs' lawyers use BOLI for costly investigations and then request the file to support future lawsuits. Under current law, if BOLI finds insufficient evidence, there is a 90-day window to file a lawsuit. If they bypass BOLI, they only need to file within the statute of limitations.

HB 2957 allows trial lawyers to file with BOLI getting the full use of state resources and then delay action for years. This creates uncertainty for employers, who must remain on alert for lawsuits based on evidence already deemed insufficient by BOLI. The approach in HB 2957 would be inconsistent with federal processes.

HB 2957 increases risk for Oregon's entrepreneurs and small businesses

While all employers face significant costs under HB 2957—including keeping attorneys on retainer, re-engaging former employees for possible litigation, and dealing with ongoing uncertainty—**small businesses will face the most significant financial impacts**. Small employers have limited resources. It can cost over \$75,000 just to settle one claim before it gets to court, and HB 2957 extends the timeframe under which lawsuits can occur after employers have already incurred expenses defending a BOLI claim. HB 2957 further disadvantages small businesses.

HB 2957 would apply broadly. The 5-year statute of limitations covers a **wide range of discrimination claims**, including: race, color, religion, sex, sexual orientation, gender identity, disability, national origin, marital status, age, military service, retaliation and expunged juvenile records.

From the Desk of
Representative
Lucetta Elmer

HB 2957 ignores existing law governing employment agreements

Oregon already has strict limitations on employer-employee agreements involving discrimination allegations. The Workplace Fairness Act restricts nondisclosure agreements (NDAs), regardless of whether an employee has filed a complaint with the employer or with BOLI regarding an allegation. Only if an employee or their attorney requests an agreement can an employer enter into such an agreement. Oregon is also unique in that employers cannot even request an NDA with regards to settlement amounts under a settlement agreement. HB 2957 would complicate settlements, further burdening the court system.

Vote "NO" on HB 2957

