



House Committee on Labor & Workforce Standards

February 10, 2025

Oregon Farm Bureau OPPOSES HB 2957

Oregon Farm Bureau (OFB) is the state's most inclusive agriculture organization, representing over 6500 family farms and ranches that produce more than 220 agricultural commodities. From hops and hazelnuts to dairy, cranberries, and timber with operations spanning from just a few acres to thousands, our members utilize all farming methods including organic, conventional, regenerative, biotech, and even no-tech.

OFB opposes HB 2957, due to the negative impacts on our members—both in terms of cost and the anxiety that family farms will face as they await possible litigation.

HB 2957 eliminates the requirement that the Bureau of Labor and Industries (BOLI) issue a 90-day notice to sue. Currently, BOLI, like the EEOC, issues a 90-day notice to sue if the agency cannot find reasonable cause to believe discrimination occurred, or if it declines to act on a charge. The 90-day period begins on the date the employee receives the notice. The 90-day period is the legal deadline in which a lawsuit can occur. For farm and ranch families, this 90-day notice is critical, as it provides a reasonable limitation on possible costly litigation following an already costly BOLI investigation process.

This 90-day notice is also important because it gives employers a set timeframe to prepare a defense and prevents stale claims from being brought up much later after the alleged discriminatory event occurred. Staff changes and memories fade, so having reasonable timelines is crucial to ensure sufficient records are maintained to prepare for litigation. Small employers simply do not have the necessary resources to maintain legal counsel for unlimited periods of time.

Under current law there are two paths for a complaint to proceed. One path is to directly file in civil court, with the plaintiff bearing the cost of investigation and evidence gathering. In that case, many employment complaints can be filed in court within five years of the alleged violation. The second path is to file a complaint with BOLI. In that case, the individual may file a complaint with BOLI to investigate their allegations. BOLI conducts interviews, gathers evidence and reviews statements to determine if there is sufficient evidence to pursue a complaint further. Plaintiffs attorneys like the option of filing a complaint with BOLI because it means they can have the bureau do their investigative work for them...for free. All they have to do is get a copy of the file from the bureau.

HB 2957 would require employers to live in constant state of worry waiting to see if a case is moving forward. It would further extend the already lengthy time periods as the time to file is tolled during a BOLI investigation and create additional costs and uncertainty for businesses that are already living on the financial edge. Already, plaintiffs have the right to pursue their cases directly in court and they have up to five years in many cases to do so. Further drawing out the process to include not only the expense of defending oneself in a BOLI investigation but then having to wait up to five years is asking too much. Farm and ranch families cannot be expected to live in a state of uncertainty for that long. Family businesses need to know what they may or may not be liable for, because there are substantial costs associated with defending the farm or settling the case.

A lawsuit is a substantial business challenge for family farms and ranches. Farm employers often face costs of at least \$75,000 to work with an employment lawyer to settle a claim before it reaches trial.¹ However, if the case progresses to court, expenses can quickly rise to a cost so high that threatens the viability of the farm. Farm employers can't always afford to hire several in-house human resource professionals. Often, family members act as the human resources department, trying to navigate the myriad of workplace protections and benefits the State of Oregon has adopted. Doing things the "Oregon way" does not always make things easier for Oregon's small businesses and family farms, and it can really complicate the regulatory landscape.

OFB urges the Committee to reject HB 2957. There is no reason to force farm and ranch families into a situation where they live in a state of limbo while the fear of costly litigation hangs over them. Instead, BOLI should maintain the 90-day notice to sue, in line with the EEOC, to ensure that small businesses are not further disadvantaged in Oregon.

Please support family farms and small businesses by voting "no" on HB 2957.

¹ <https://www.novianlaw.com/the-average-cost-to-defend-an-employment-lawsuit/>