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House Labor and Workplace Standards Committee

Chair Grayber, Vice Chairs Munoz and Elmer, and members of the committee

I write to urge the Committee to support House Bill 2957. This proposed Bill could provide important help to Oregon's workforce when they try to enforce their legal rights.

Specifically, House Bill 2957 includes two important provisions.

First, it prevents an employer from entering into a contract that limits a worker's statutorily defined statute of limitations. When drafting legislation, the Legislature carefully considers the length of time an individual has to bring a claim. If an employer shortens that, a worker is potentially denied the right to enforce a law that the Legislature had already determined they should have had the right to enforce. HB 2957 would make that practice unlawful. In doing so, it provides a common sense approach that simply ensures an individual working in Oregon has the right to enforce the law as the Legislature intended.

Second, HB 2957 also changes the amount of time an employee has to bring a claim after their matter is dismissed by BOLI. In my experience as an attorney representing employees, this is a very important change because so many individuals do not understand that filing with BOLI can actually shorten their statute of limitations. My law firm has been unable to help many people because they unwittingly and unknowingly had passed their statute of limitations by having filed with BOLI. I believe this is surprisingly common. And, troublingly, this happens most often to unrepresented individuals who have no idea that filing with BOLI could actually end up shortening the time they have to act or get assistance.

Further, circumstances when an individual files with BOLI, then loses time to bring their claim with a BOLI dismissal notice has only become more frequent. As you know, BOLI must dismiss a case within one year of the anniversary of filing their claim. But, just a few years ago, the Legislature extended the Statute of Limitations to bring a claim pursuant ORS 659A.030 to five years. As a practical reality, therefore, any individual who believes they have a claim for discrimination and files with BOLI as a means of redressing their complaint is likely to have their statute of limitations cut short by nearly four years. I believe HB 2957 is important to ensure that all employees who wish to pursue their rights have the same amount of time to do so, and that filing with BOLI does not leave them in a worse position.

Thank you for your consideration.

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