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NFIB.com

February 10, 2025

To: The House Committee on Labor and Workplace Standards  
From: Anthony K. Smith, National Federation of Independent Business  
Re: NFIB Written Testimony in Opposition to HB 2957

**Chair Grayber, Vice-chairs Elmer and Muñoz, and members of the Committee:**

On behalf of Oregon's small business members of the National Federation of Independent Business, I would like to express our opposition to HB 2957, which would eliminate the 90-day window to sue, following the investigation of a complaint by the Oregon Bureau of Labor and Industries (BOLI).

NFIB is the Voice of Small Business. We are a nonprofit, nonpartisan, member-driven organization that advocates on behalf of America's small and independent business owners – both in Washington, D.C. and in all 50 state capitals. NFIB represents thousands of small businesses across the state in every industry sector, many being the smallest of small businesses, with about 90% of our members in Oregon having fewer than 25 employees and 70% having fewer than 10 employees. Together, our members provide jobs for tens of thousands of Oregonians.

Currently, Oregon's workplace discrimination laws (ORS 659A) are enforceable via private right of action or the BOLI complaint process. The employee gets to make the choice. If they choose to file a lawsuit, the statute of limitations is five years, but they and/or their attorney will bear the cost of investigating all the relevant circumstances of the case. If they choose to file with BOLI, the employee still has five years to submit the complaint, and Oregon taxpayers bear the cost of the investigation (which can take up to one year), and if BOLI dismisses the case, the employee and/or their attorney maintains access to the agency's investigatory findings, and may use them in a legal proceeding, so long as they file in court within 90 days of the date on the notice from BOLI.

Few small businesses in Oregon have the resources or bandwidth to defend themselves against a BOLI investigation for up to a year and then remain prepared for litigation that may be filed up to five years later. The BOLI process should not be further utilized as a taxpayer-funded fact-finding agency for private sector law firms, particularly without continuing the trade-off of certainty in timelines.

NFIB urges the committee to oppose HB 2957.

Thank you for your time and consideration,

A handwritten signature in blue ink, appearing to read 'Anthony K. Smith'.

Anthony K. Smith  
NFIB Oregon State Director