

TRAVIS NELSON
STATE REPRESENTATIVE
HOUSE DISTRICT 44
NORTH/NORTHEAST PORTLAND



HOUSE OF REPRESENTATIVES Testimony in Support of House Bill 2957

February 11, 2025

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

My name is Travis Nelson, State Representative for House District 44 - North and NE Portland. I urge your support for HB 2957 to ensure fair and consistent access to justice for workers facing harassment and discrimination.

Currently, Oregon law gives workers five years to file a discrimination or harassment claim. Many workers who experience workplace harassment or discrimination turn to BOLI, believing it to be the best first step. What they may not realize is that by choosing to file through BOLI, they are potentially losing valuable time—years of it. This graphic shows how several scenarios currently play out.

For example, women experiencing repeated sexual harassment at work often delay reporting due to fear, uncertainty, or the belief that the harassment will not stop. Victims often don't realize the consequences of delaying reporting or realize their timeline to pursue justice is impacted by whether or not they choose to file with BOLI. Without filing with BOLI, the victim would have four years left to bring a civil action. BUT because they went through BOLI, that window is suddenly reduced to just 90 days after BOLI dismisses the claim, either with or without a finding of discrimination. Instead of having years to prepare to file a case, the victim is left scrambling to find an attorney and file a lawsuit, often with less than three months— many times without the time or resources to properly seek justice.

The data around this is clear: nearly three-quarters of civil rights complaints filed with BOLI involve laws with a five-year statute of limitations. Last year, 77% of BOLI complaints were filed without an attorney. That means those who are relying on BOLI for help – workers without legal resources, veterans, young women, low-wage employees, marginalized communities, and Christians facing religious discrimination – are the ones most harmed by this system. Due to this oversight in the way that the 90-day notice works, they are the ones who lose access to the five years that the legislature determined was the appropriate time for them to have.

To make matters worse, some employers are taking advantage of this imbalance by inserting clauses into employment contracts that further restrict the time workers have to

file claims. These tactics strip workers of their rights before they even realize what is happening. HB 2957 fixes this. It ensures that all workers, regardless of whether they go through BOLI or pursue civil action independently, retain the full five-year statute of limitations. It prevents employers from using contract loopholes to shorten the time workers have to seek justice.

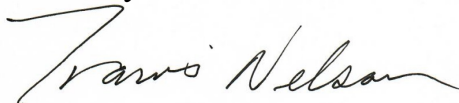
HB 2957 simply provides parity for Oregonians seeking to access their rights, whether they begin with the administrative process or not. This allows workers access to pursue administrative remedies before going to court, potentially even having their cases resolved without ever going to court.

This bill is not about creating new protections, rather it is just about making sure the protections we already have actually work. No one should be punished for seeking help from the state agency that is supposed to protect their rights.

There is an amendment posted to OLIS that we requested after getting feedback from BOLI. It is a technical amendment so I will leave it to BOLI to explain it later. They are also available to answer any technical questions about the bill. I am joined today with folks who have personally been impacted by our current policy, and I would like to give them a chance to share their stories.

I urge your support for HB 2957 with the –1 amendment.

Sincerely,

A handwritten signature in black ink that reads "Travis Nelson". The signature is written in a cursive, flowing style.

State Representative Travis Nelson
House District 44, North/NE Portland

Note:

In response to concerns raised during the public hearing on House Bill 2426, I want to clarify that this bill does not alter EEOC requirements or impact federal law. It strictly addresses state law and how individuals engage with a state agency for complaints.

We are currently working on an amendment to address the concerns over before and after notices. This amendment will address:

Complaints filed on or after the bill's effective date and complaints filed before the effective date, if BOLI has not issued a 90-day notice.