

February 19, 2025

House Committee on Labor & Workplace Standards
Testimony in Support of HB 3187

Dear Chair Grayber, Vice chairs Elmer & Munoz and Members of the Committee:

My name is Miki Herman I'm pleased to testify in support of HB 3187. I am here today to share two very different stories because I've both experienced workplace age discrimination but also been on a management team that engaged in age discrimination.

I am lucky, I've had a diverse career, leading teams and companies across many industries holding senior executive positions in \$10M to \$20B organizations.

To be clear, I have had many jobs where I did not encounter workplace age discrimination, unfortunately, I know age discrimination in the workplace is real.

In 2008 I was recruited by a well-known Oregon company. I had several phone interviews, and my skill set was a perfect match for senior management. But when I had the high-level, in-person interview, most of the questions and comments were focused on my current fitness and lifestyle – not my qualifications. I was asked probing questions about how my athleticism had changed over the years and how I maintain my fitness. Several questions were about what type of running I still did, the amount of miles that I logged daily compared to earlier years – and my stamina for competitive sports now.

My experience was exactly what they needed, but they said my look did not align with their lifestyle, athletic brands or their culture. I knew they were talking about my age, and I was not surprised when I was not invited back for the final interview with the CEO.

I did think about taking legal action, but I know how hard it is to prove, and I needed to focus on finding another job. And fortunately, I was successful, and I continued to have a very rewarding professional career.

Jumping forward in time, I want to share my second experience. A little more than twelve years ago, I served as a high level executive for a major national company at which time I found myself part of a management team engaged in blatant age discrimination.

Because of company financial losses, we were told there would need to be a restructure of our \$6B business unit with a focus on a lower salaries to improve profitability, so we would be looking at the highest salaries as the basis for this restructuring approach.

I, along with other executive level colleagues met. On a whiteboard, we listed everyone's duties and salaries but also their age and expected retirement. It didn't matter if you had a star performer or their actual salary, the conversation and decision-making focused on the employee's age and how long we thought they would stay before they would retire. We then targeted just the older workers under the guise that they were the highest paid employees. In some cases that was true but in other cases it was not. It was clear to me that we were using the subterfuge of "high salary" as a proxy to engage in age discrimination.

To cover our tracks, we didn't just lay them off because that might be too obvious. Instead, these older workers were told they could stay but they'd have to re-apply for their job in this new structure *or* they could consider another lesser paying job. Except the reality was we restructured the new jobs in a way that they would not qualify and if they applied for a lesser position, they were not actually considered for those positions.

I'm here today in support of HB 3187 because I've seen workplace age discrimination from both sides, and it has no place in Oregon.

Thank you for letting me share my stories.