

Esteemed Co-Chairs and Members of the Committee,

Thank you for the opportunity to testify today. For the record my name is Felicity Ratway.

I am here to urge your support for HB 5015 so that BOLI can be adequately funded and can respond effectively when businesses fail to pay workers for their labor.

As a health care and conference interpreter, I do contract work for many language companies. I have unfortunately been paid late or shorted on paychecks more times than I can count. Nearly every pay period, there is at least one paycheck error. Most of these are resolved with the language company without going through the long, slow BOLI process. Overwhelmed with outstanding claims, BOLI says not to bother pursuing a claim if the issue will eventually be resolved—they can't help if a business consistently pays late (even months late) or shorts me on my paycheck, because there is no penalty in the law for them to assess for late pay except for last paychecks. The underlying law that BOLI enforces should also be updated to make it crystal clear that contract workers like me can have basic protections, like being able to get our wages back when they are stolen, and there should be consequences for businesses that pay late.

Though BOLI is often unable to help, last year I encountered a situation in which I was moved to file a claim. I negotiated rates and began working for a new language company. When I did not receive a paycheck for my work, I reached out to the company and they agreed to resolve the issue. However, my paycheck still never arrived. Since I had completed thousands of dollars worth of work over multiple months, I decided to reach out to lawyers. I contacted several lawyers before getting a call back. When I finally did hear from a lawyer, they advised me that I could file in court, but would have to wait several months for mediation, then a court date. They recommended trying BOLI instead. I was fortunate to have screenshots of the portal where I submit my hours, showing my hours worked and the amount I was owed, as well as email threads regarding the missing paychecks. I gathered my evidence and submitted a claim to BOLI in November. When I submitted that claim, I received a message stating that it could take BOLI up to 6 months to review my claim due to an "exponential increase in inquiries over the last several years." I am still waiting for my claim to be resolved.

It's shocking and disheartening to see that there is an "exponential increase in inquiries." Are businesses becoming more emboldened in failing to pay workers? Do they feel they can get away with this because BOLI will not be able to respond for months so there is nothing workers can do? How did the Legislature allow BOLI to get to the point of having to tell workers we can't help you for 6 months?

As a contract worker I have multiple sources of income and will stay afloat -- but not everyone has that luxury. For many workers, waiting 6 months for resolution on a missed paycheck is financially devastating, not to mention unjust. Oregonians like me deserve to be able to benefit from the laws you pass to protect us. Many Oregonians are a single missed paycheck away from being unable to pay their bills, and when starting work with a new company it's hard to know that they will decide not to pay you until after performing 1-2 months worth of labor (depending if they pay monthly or biweekly). Once you realize there is a pay issue, deciding whether to try to resolve it with the company or find a new job is a difficult decision—was it an honest mistake that will be fixed, or was it deliberate? Filing a claim, as in my situation, is often a last resort after efforts to resolve things amicably have failed and the worker has already spent a great deal of time waiting for pay. We deserve an agency that is well funded enough to help us in a timely manner.

Every year, employers steal as much as \$50 billion from workers through wage theft, with less than \$1 billion recovered. When goods are stolen from businesses, police—whose budget is over a dozen times that of BOLI—can respond in minutes. But when our wages are stolen, workers are forced to wait months. This is wrong—wage theft is no more acceptable than the theft of goods. It should get a swift response and there should be consequences just as there are with other types of theft.

I urge this legislature and specifically this committee to act to fund BOLI adequately so that they can respond to wage claims in a more reasonable time frame and are not limited to reviewing the most egregious of claims. There should be consequences for companies that repeatedly short workers on paychecks, pay them late, and commit other violations. There should be some recourse for workers who experience these issues beyond just being paid the wages they are owed months or years late.

Sources:

<https://www.epi.org/press/wage-theft-costs-american-workers-50-billion/>

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