



March 12, 2025

Committee : House Committee on Labor and Workplace Standards

Subject: Opposition to HB3838

Dear Chair Grayber, Vice-Chairs Elmer and Munoz, and Members of the Committee,

Independent Adult Care Home Association opposes HB 3838 which reads in part:

To establish a Home and Community-Based Services Workforce Standards Board to:

- (1) Strengthen the supply of skilled workforce
- (2) Make recommendations to review the minimum workforce standards and adopt new standards, as needed, to protect the health and welfare of the home and community based workforce

At minimum, the new standards must:

- (a) Set compensation rates for paying individuals in the home and community-based services workforce, provided that the rates are not less than the minimum wage rate established under ORS 653.025.
- (b) Establish requirements for working conditions such as work schedules and working hours and staffing.
- (c) Establish curriculum and criteria for providing education and professional development opportunities for the home and community-based services workforce.
- (d) Establish workplace health and safety requirements specific to the home and community-based services workforce that meet or exceed any applicable health and safety requirements prescribed by the Oregon Safe Employment Act.
- (e) Provide for the provision of health care benefits and other paid benefits for the home and community-based services workforce, including but not limited to paid family leave, sick leave and retirement benefits.
- (f) Establish requirements for itemized statements regarding deductions from wages that meet or exceed the requirements under ORS 652.610, including a requirement that such statements are timely provided to a worker organization.
- (g) Establish requirements for the production of workers' information maintained in an employer's records to the board or to a worker organization that is the labor organization that represents the workers to whom the information pertains. For purposes of this paragraph,

“workers’ information” includes full names, telephone numbers, home addresses, personal mailing addresses and electronic mail addresses.

IACHA OPPOSES HB 3838 FOR THE FOLLOWING REASONS:

- (1) Increased compensation will strengthen the supply of skilled workforce. This has been communicated to the Department of Human Services and the Legislature multiple times. It is the reason AFH owners took time out of their schedules, including covering direct service professional shifts, to participate in the Wage and Rate Survey as well as other tools required by the Legislature so that the Legislature would be able to review the current Medicaid rates with the understanding that increased Medicare rates will give the ability to increase workforce compensation which will strengthen the supply of skilled workforce.
- (2) Each small business owner is in the best position to review the workforce standards for their employees to protect both the health and welfare of the home and community based workforce and their residents. Senior communities already comply with the existing regulations tasked with providing operational standards.
- (3) Each small business owner is capable of setting the compensation rate for paying their workforce individuals if the compensation from the State covers business expenses including competitive wages.
- (4) Each small business owner is capable of establishing work schedules, hours and staffing.
- (5) Required curriculum and education/professional development opportunities are outlined in the administrative rules.
- (6) Each small business owner is responsible, through administrative rule, to provide a safe environment for both staff and residents.
- (7) Each employer works with their employees to provide worker benefits.
- (8) Each employer must already comply with standards regarding deductions from employee wages.
- (9) Each employer keeps employee records confidential as per state regulations.

House Bill 3838 establishes an un-necessary external barrier between a small business employer and their employee(s). Please support increased direct compensation for senior communities so that senior communities are able to work directly with our employees.

Sincerely,

Petronella Donovan

President, IACHA