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Testimony in support of HB 3187 A-Eng

Senate Committee on Labor & Business

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AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering Americans 50 and older to choose how they live as they age. On behalf of our 500,000 AARP Oregon members including those attending the hearing today and those who could not be here but submitted testimony, I am pleased to testify in support of HB 3187 A-Eng. It is an important *first* step to address workplace age discrimination in Oregon.

In addition to this testimony, we have submitted a one-pager representing support from over 27 organizations and a report on the Realities of Workplace Age Discrimination, with more details on the research cited below.

HB 3187 A adds a new provision to Oregon law. It prohibits a prospective employer from requesting or requiring an applicant to disclose their age, date of birth or graduation dates until *after the initial interview*. It provides an exception when such information is required to comply with federal, state or local law, rule or regulation. Oregon would join 6 other states with similar laws.

We want to be very clear about what this bill does and does not do. It does not restrict an employer from requiring certain work experience, including a set number of years. Nor does it prohibit employers from requiring an applicant to have or asking about an applicant's degree(s). When it comes to educational experience the only limitation is the restriction on requiring disclosure of a graduation year prior to completing an initial interview. The language of this bill is very limited and we hope anyone who has concerns will look at the actual bill.

In addition to this update, HB 3187 A would also remove the current prohibition that a person who is over 70 cannot participate in apprenticeship training. Oregon (BOLI) has been told by the feds that this *currently* does not comply with the federal age discrimination law.

HB 3187 A will help older applicants get their foot in the door. It limits when age, DOB or graduation date can be requested. The truth is age should never be asked at any time in the hiring process and it's only relevant in very limited situations when there is an actual age requirement, for example an applicant over the age of 21 or in some rare cases, for applicants not above a certain age, such as commercial pilots. And in reality, graduation *dates* are really only relevant when someone is offered the job and the employer needs to verify the applicant was telling the truth.

Applicants who submit resumes can and do remove graduation dates. But where it becomes a real problem is the online application system. Most online applications require an applicant to list their degree (and may require certain degrees). There is nothing wrong with that and HB 3187 A does not change that. And the online application may also ask the applicant to identify *where* they got their degree(s). Again, HB 3187 A does not change that. It is that next box, the one that requires an applicant to enter their graduation date(s) before they can hit the next button, which is a barrier to older workers since in most cases, it can reveal the age/age-range of the applicant.

The reality is older workers experience a higher rate of long term unemployment than younger workers. It takes them longer to find that next job. And for many that next job may require them to take a significant pay cut. That not only means negative financial implications at the time but it means a bigger financial hole to dig out of and a shorter time to recoup financial losses.

AARP has been researching this issue for years. Our national research consistently reflects approximately 2/3 of workers 50 and older who are working or looking for a job have seen or experienced workplace age discrimination. Moreover, 90% of those who have seen or experienced it say it is common.

In fact, according to national AARP research, Black and Latino/Hispanic job applicants over age 50 report experiencing age discrimination from 1 ½ to 2 x *more than* race discrimination when looking for a job.

And closer to home, a little more than one year ago AARP surveyed Oregonians 40+ who are working or looking for a job. **55%** said they had seen or experienced age discrimination in the workplace. And of those **88%** said it's common and when we looked at cross tabs that was 86% Republican, 88% Independent & 89% Democrat. 55% of our respondents also had applied for a job in the past 5 years and half were asked for their age, date of birth or graduation date.

I want to emphasize the very real economic, emotional and societal impact of workplace age discrimination. For those who are laid off and then unable to find work at all, many are forced to spend-down their retirement or sign up early for social security, cutting their benefits. Financial strain leads to worse physical and mental health outcomes. And in some cases, it can lead to homelessness. Here in Oregon, 21% of those who are experiencing homelessness are age 55 and older.

Oregon is an aging state. Today, 37% of the population is 50 and older and that % is only increasing.

HB 3187 A cannot solve all the flaws in Oregon's law when it comes to workplace age discrimination *but* this bill is a great *first step* and we urge this committee to pass HB 3187 A and we look forward to working with all of you in the future to provide more protections.