

April 29, 2025

Chair Bowman, Vice-Chairs Drazan & Pham  
House Rules Committee  
Oregon Legislature  
900 Court St NE  
Salem, OR 97301

Re: HB3838-HCBS Workforce Standards Board

Chair Bowman, Vice-Chairs Drazan & Pham & Members of the committee,

My name is Liz Caval-Williams and I represent Alliance Services, based in Newberg, Oregon. Since 2015, we have employed Direct Support Professionals (DSPs) who serve individuals with Intellectual and Developmental Disabilities across eight counties. I am writing to strongly oppose HB 3838 and the -3 amendment, which creates a Home and Community-Based Services Workforce Standards Board. This bill threatens service providers, vulnerable Oregonians, and taxpayers by introducing unnecessary bureaucracy and increasing costs.

One of the many concerning areas of this bill is the stipulation of a Private Right of Action, where employees, or the board in this case, can seek damages, injunctive relief, or other legal remedies in court if they believe employers are in violation of the law. When examining other states that have adopted a Private Right of Action, I'd like to highlight California, which has some of the most expansive yet stringent laws governing private litigation. The California [Private Attorney Generals Act \(PAGA\)](#), has become a tool for aggressive litigation rather than fair labor enforcement. It encourages frivolous lawsuits over minor, technical infractions—often benefiting trial attorneys far more than employees. Even well-intentioned employers acting in good faith are vulnerable to excessive penalties, with no opportunity to correct inadvertent violations, until recently with PAGA reform. As a result, businesses have been hiring attorneys and HR consultants, resulting in additional costs, to specifically conduct PAGA audits to reduce their possible risk to litigation and penalties since they're so broadly defined. Recently, the State of California has had to reform PAGA laws to make litigation and penalties more difficult, due to the influx of claims currently in the court system. Small businesses, in particular, have faced crippling legal costs under PAGA, often forcing them into settlements regardless of merit. Private Right of Action in labor enforcement clogs up the courts, creates inconsistent legal interpretations, and undermines state regulators who are better equipped to enforce compliance.

Oregon businesses are already struggling with rising costs, regulatory burdens, and economic uncertainty. The threat of Private Right of Action abuse only adds another barrier to hiring, investment, and growth. Rather than empowering opportunistic lawsuits, the Legislature should focus on strengthening government oversight through existing regulatory bodies and providing businesses a fair chance to comply before facing lawsuits. We strongly urge you to support meaningful reform that protects workers without punishing businesses unfairly.

Secondly, the bill grants excessive authority to the board to regulate scheduling, staffing levels, and labor conditions beyond existing state and federal protections. These standards are usually costly to implement and funding is variable upon the legislature's approval. This undermines the autonomy of employers and creates rigid workforce policies that fail to account for the unique needs of individual providers and workers, and more importantly the individual needs of the vulnerable Oregonians we serve. Additionally, the mandate to disclose employee information to worker organizations raises serious privacy concerns, especially for employees who may be victims of domestic violence, stalking, or other traumas, or who just simply value their privacy.

And lastly, this bill authorizes the board to recommend service rates and wages, duplicating work already required under federal law, including the CMS Access Rule. These rate reviews must be actuarially sound, independent, and federally defensible—which is why the state contracted Burnes & Associates to complete its January 2025 report. Establishing a second, unvetted process is not just wasteful; it directly threatens Oregon's federal Medicaid partnership. Conflicting findings between the board and the state's certified actuarial review could undermine the integrity of both reports, invite federal scrutiny, and put critical funding at risk.

For these reasons, we ask the committee to vote in opposition of this bill, and instead make direct investments into our workforce by funding the existing and recent Rate & Wage Study, published in January of 2025.

Sincerely,



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