



May 6, 2025

Senator Kathleen Taylor, Chair  
Senator Daniel Bonham, Vice-Chair  
Senate Committee on Labor and Business  
Oregon State Legislature  
900 Court St. NE, Salem, OR 97301

## RE: Salem Chamber Written Testimony in Opposition of HB 2957

Dear Chair Taylor, Vice-Chair Bonham, and Members of the Senate Committee on Labor and Business,

Our organization represents over one thousand (1,000+) local businesses and forty-five thousand (45,000) employees in the Salem area. The breadth and diversity of industries represented by our membership demonstrate an intersection of the small businesses that collectively create our state economy. The Salem Chamber supports a healthy business climate, including fair labor practices, which incentivize employees and employers to partner together for economic growth.

The Bureau of Labor and Industries ("BOLI") has both an Employer Assistance program and Civil Rights division and this balanced approach holds bad actors accountable and deters insufficient or frivolous claims. The BOLI investigation routinely takes a year to investigate due to the volume of complaints. Plaintiffs who choose to go through the BOLI process often cross-file with the Equal Employment Opportunity Commission ("EEOC") so their attorneys can decide whether to file in state or federal court depending on each agency's determination.

Currently, both BOLI and EEOC upon completion of an investigation where there was insufficient evidence to determine whether a violation occurred or if their investigation was not completed within a year, issue the Plaintiff a "right to sue letter." This provides the Plaintiff with the opportunity to obtain the investigative file and file their lawsuit within 90 days of the letter. The reason both BOLI and EEOC issue these 90-day letters is because after a year of investigation, including position statements, document collection, and interviews, the facts are organized, and materials are collected by each party in preparation for litigation. This helps with both judicial economy and cadence of litigation because each party has had time to strategize and discuss what discovery is outstanding, leading to fewer continuances and motions for extension of time. Additionally, because staff changes, recollections fade, and evidence gets misplaced, maintaining the 90-day timeline is essential for fact-finding. A reasonable timeline is needed for the business, which is the custodian of the records and point of contact for witnesses. Our small businesses often don't have their own HR or legal department so continuing the matter in litigation quickly after the agency determination letter is necessary for a proper defense. Please provide consistency and stability for small businesses by keeping the current BOLI timeline in place, which has successfully served both employers and employees alike. We urge reconsideration of HB 2957.

Respectfully,

Tom Hoffert, CEO Salem Area Chamber of Commerce

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