

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

March 24, 1999 Hearing Room E

8:30 a.m. Tapes 66 - 67

MEMBERS PRESENT: Rep. Roger Beyer, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Tim Knopp, Vice-Chair

Rep. Jason Atkinson

Rep. Bill Morrisette

Rep. Terry Thompson

Rep. Jackie Winters

STAFF PRESENT: Keith Putman, Administrator

Frances Thomas, Administrative Support

MEASURE/ISSUES HEARD: HB 2813 Public Hearing and Work Session

HB 2780 Public Hearing

HB 2486A Work Session

HB 3055 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 66, A		
003	Chair Beyer	Calls the meeting to order at 8:30 a.m. Comments on the agenda.
<u>HB 2813 PUBLIC HEARING</u>		

017	Chair Beyer	Opens a Public Hearing on HB 2813.
025	Keith Putman	Committee Administrator. Summarizes that HB 2813 allows victims of domestic violence to collect unemployment benefits if the health, safety or welfare of the victim would be endangered at the current or available workplaces.
036	Rep. Kathy Lowe	House District 24. Testifies in support of HB 2813 (EXHIBIT A). Explains this bill provides an option to victims of domestic violence to help end the cycle of abuse.
069	Rep. Karen Minnis	House Districts 20. Testifies in support of HB 2813. Relates personal experiences with an abusive situation. Cites examples of domestic violence (EXHIBIT B).
119	Rep. Winters	Asks if HB 2813 is gender neutral.
122	Rep Lowe	Responds yes.
125	Rep. Lowe	Introduces HB 2813, ñ1 amendment, dated 3/23/99 (EXHIBIT C). Explains the amendment requires the victim takes appropriate steps (restraining order, non cohabitation with abuser) to protect themselves before seeking workersí compensation. Supports this amendment.
151	Putman	Reviews the fiscal impact.
161	Rep. Lowe	Asks what is the total budget is for Workersí Compensation Division.
169	Chair Beyer	Asks if the fiscal impact addresses only the original bill or does it include the ñ1 amendment.
171	Putman	States in his opinion there would not be a significant change.
186	Gina McClard	Attorney, Oregon Coalition Against Domestic and Sexual Violence. Testifies in support of HB 2813. Explains the reasons why a victim may not leave an abusive situation.
246	Chiquita Rollins	Multnomah County Domestic Violence Coordinator. Testifies in support of HB 2813 (EXHIBIT D). Provides examples of the impact domestic violence has in the workplace. Explains this bill will provide the opportunity for community organizations to educate employers.
295	Jeannie LaFrance	Bradley-Angle House. Testifies in support of HB 2813. Presents examples of women who have been harassed and battered at the workplace.

340	LaFrance	Explains the general psychology of harassment.
383	LaFrance	States the object of harassing the victim at work is simply to get her fired or cause her to quit, thus creating financial dependency on the abuser.
414	Chair Beyer	Asks if any men have been reported to be battered at workplace.
417	LaFrance	States she has no statistics to support this category.
422	Rep. Winters	Asks if the crisis center has the ability to assist in other financial needs. Summarizes that unemployment insurance would not be adequate to do the kind of things that LaFrance described.
443	McClard	Agrees. States other assistance is available through shelters. Notes there is another bill being heard that could provide emergency monetary assistance if a restraining order has been acquired.
467	Chair Beyer	Asks which bill that is.
469	McClard	States she believes it is SB 319. Offers to check and provide the information.
490	Phyllis Straight-Millan	Oregon Occupational Safety and Health Department (OR-OSHA). Testifies in an informational capacity on HB 2813 (EXHIBIT E). States this bill would be in compliance with the charter "to provide all Oregonians a safe and healthful workplace. Explains that workplace violence is considered an OSHA issue. Notes that domestic violence is the major cause of death among women at the workplace.
TAPE 67, A		
015	Straight-Millan	Explains National Institute for Occupational Safety and Health statistics involving workplace violence as it relates to domestic violence. Notes that employers are now legally liable to provide a safe and healthful workplace regardless of the source of that hazard. Explains what measures employers are expected to take to protect their employees.
039	Chair Beyer	Asks how an employer is to protect an employee from attacks of a batterer.
042	Straight-Millan	States that when the employer becomes aware of a problem, he/she should encourage the employee to seek a restraining order, and support the employee to enforce it.
050	Chair Beyer	Asks if an employee is hurt by a batterer at the workplace, is the employer considered responsible for benefits.

055	Straight-Millan	States typically, OR-OSHA prefers to work with employer.
063	Chair Beyer	Asks if an employer has ever been cited in a workplace violence issue.
065	Straight-Millan	Responds, yes. States there is a due diligence requirement.
073	Rep. Morrisette	Asks if a victim could be discharged for simply asking for help. Comments on discrimination.
080	Straight-Millan	Replies she does not have that information.
081	Annette Talbott	Legislative Coordinator, Employment Department. States the discrimination issue is separate and apart from the unemployment insurance requirement that this bill addresses.
092	Talbott	States support of the ñ1 amendment (EXHIBIT F). States the proposed amendment codifies the Employment Department's administrative rule. Clarifies the fiscal impact.
113	Rep. Gardner	Asks if this effects individual employer pool.
116	Talbott	States this issue is addressed in last paragraph of amendment (EXHIBIT F). Explains these cases would go to employer pool instead of individual account.
124	Chair Beyer	Asks for clarification of the federal OSHA requirement that domestic violence be treated as workplace violence.
130	Straight-Millan	Explains that federal OSHA and OR-OSHA both take the approach that regardless of violence source, it is the responsibility of the employer to provide a safe and healthy workplace.
143	Rep. Winters	Asks if this comes under OR-OSHA's administrative rule.
159	Straight-Millan	States a general clause that allows OR-OSHA to intervene in workplace issues that are not covered by a specific codified rule.
165	Rep. Winters	Asks if it is the intent to codify the rules covering this issue.
167	Straight-Millan	Responds not at this time. States currently, OR-OSHA is taking the approach to educate employers on this issue.
180	Chris Davie	SAFE Corporation. Explains that domestic violence is not generally considered a compensable claim.

190	Jennifer Webber	Oregon Trial Lawyers Association. Concurs with Davie's interpretation.
198	Tricia Smith	Government Relations Specialist, Oregon School Employees Association, Public Employee Union. Testifies in support of HB 2813.
234	Jeannie Berg-Remple	Service Employees International Union, and AFL-CIO. Testifies in support of HB 2813. Comments on a personal experience involving an abusive situation.
253	Phyllis Straight Millan	President, Salem YWCA. Testifies in support of HB 2813. Clarifies this testimony is presented as a citizen and the current president on the YWCA board.
281	Chair Beyer	Discusses the direction this bill needs to proceed in light of the fiscal impact.
300	Chair Beyer	Closes the Public Hearing on HB 2813.
<u>HB 2813 WORK SESSION</u>		
313	Chair Beyer	Opens a Work Session on HB 2813.
314	Rep. Thompson	MOTION: Moves to ADOPT HB 2813-1 amendments dated 3/23/99.
		VOTE: 6-0 EXCUSED: Morrisette
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
319	Chair Beyer	Directs Putman to submit a request for a new fiscal statement on HB 2813 with the #1 amendment.
325	Chair Beyer	Closes the Work Session on HB 2813.
<u>HB 2780 PUBLIC HEARING</u>		
328	Chair Beyer	Opens a Work Session on HB 2780.
340	Putman	Presents an overview on HB 2780. States HB 2780 excludes drivers in voluntary commuter ridesharing arrangements from the definition of employment for the purposes of unemployment insurance.

353	Rep. Chris Beck	House District 12. Introduces Chuck Fisher. Testifies as the sponsor of HB 2780. Explains that this bill should eliminate any fear that people have on this issue.
367	Chuck Fisher	Chair, Transportation Alternatives Group of Oregon. Mid Valley Ride Share Corporation of Salem. Testifies in support of HB 2780 (EXHIBIT G) . States advantages of van pooling.
422	Rep. Winters	Asks why are the drivers excluded from payment if this is a real business.
445	Fisher	States this bill excludes drivers who are compensated as their specific and primary employment. Uses the example of newspaper delivery people who are exempt from payment of unemployment tax as stated in ORS 657.480. States this category also includes many sales people and service by individuals soliciting contracts for home improvements and consumer good sales.
498	Rep. Thompson	Asks if the van drivers are considered employees.
TAPE 66, B		
013	Rep. Gardner	Asks if these drivers are currently exempted from workers compensation tax.
015	Putman	Responds affirmatively, based on the information he was given.
017	Fisher	States he is not sure of workeris compensation, only that they are exempt currently from unemployment taxes.
019	Rep. Gardner	Asks if there are situations where the drivers are full time employees and that is their sole job.
022	Fisher	States yes. Explains this bill would not exclude those companies.
032	Putman	Clarifies the current statute.
045	Rep. Knopp	Discusses the opportunity for this bill to encourage those companies with paid drivers to recruit "volunteers," giving them a competitive advantage.
050	Rep Beck	Summarizes the purpose is to protect the driver from unemployment taxes who is voluntarily carrying a passenger on his daily route to and from his regular job.
096	Chair Beyer	Offers to bring the bill back to committee, but feels it needs additional fine tuning on some of the issues presented today.
107	Chair Beyer	Closes the Public Hearing on HB 2780.

HB 2486A WORK SESSION

116	Chair Beyer	Opens a Work Session on HB 2486A.
130	Steve Harmon	Police Officer, Portland; Husband of Bobbie Harmon. Reads testimony on behalf of Bobbie Harmon (EXHIBIT H). Testifies in support of HB 2486A the Oregon Family Leave Act.
140	Harmon	Explains personal experience.
200	Harmon	Continues testimony.
234	Chair Beyer	Closes the Work Session on HB 2486A.

HB 3055 PUBLIC HEARING

236	Chair Beyer	Opens a Public Hearing on HB 3055.
243	Putman	Presents an overview of HB 3055. Explains this bill requires certain conditions exist before the denial of workers' compensation claims. States amendments by the sponsor are forthcoming. States HB 3055 will not have a fiscal impact.
259	Rep. Kevin Mannix	House District 32. Testifies as the sponsor of HB 3055. Details the provisions of the bill, and the need for the change to reinstatement the clauses of workers' compensation.
290	Rep. Mannix	Explains claims processing companies. Explains the bid process for claims processing companies. States that HB 3055 would put a limit on new medical claims.
343	Chair Beyer	Asks about a possible contradiction in the bill.
340	Rep. Mannix	Recognizes the need for correction.
400	Rep. Mannix	Discusses an injured worker who seeks reemployment/reinstatement with employer. Cites a Safe Corporation claim.
445	Rep. Mannix	Discusses a bill amendment. States it will provide a balance needed for claims filed and reinstatement demands.
505	Chair Beyer	Explains the Management Labor Advisory Committee will be reviewing HB 3055 to address some of the concerns.

TAPE 67, B

020	Rep. Gardner	Asks about the possibility of a person having a 5-year waiting period while not receiving any benefits.
025	Rep. Mannix	Concurs it is possible, but remote. States it is routine to have acceptance or denial within 90 days.
049	Rep. Gardner	Asks about non-competition clauses.
052	Rep. Mannix	States the contract itself should control what they are permitted to do.
077	Chair Beyer	Closes the Public Hearing on HB 3055.
080	Chair Beyer	Adjourns the meeting at 10:08 a.m.

Submitted By, Reviewed By,

FRANCES THOMAS, KEITH PUTMAN,

Administrative Support Administrator

Transcribed By,

SCOTT GRAHAM,

Staff Support

EXHIBIT SUMMARY

A ñ HB 2813, Written testimony, Rep. Kathy Lowe, 1 p

B ñ HB 2813, Informational material, Rep. Karen Minnis, 2 pp

C ñ HB 2813, ñ1 Amendment, dated 3/23/99, Rep. Kathy Lowe, 2 pp

D ñ HB 2813, Written testimony, Chiquita Rollins, 3 pp

E ñ HB 2813, Written testimony, Phyllis Straight-Millan , 2 pp

F ñ HB 2813, Written testimony, Annette Talbott, 2 pp

G ñ HB 2780, Written testimony, Chuck Fisher, 3 pp

H ñ HB 2486, Written testimony, Bobbie Harmon, 6 pp