

HOUSE COMMITTEE ON
LABOR

May 1, 1995 Hearing Room
1:30PM Tapes 97- 98

MEMBERS PRESENT:

Rep. John Watt, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Kate Brown
Rep. Chuck Carpenter
Rep. Mike Fahey
Rep. Lynn Lundquist
Rep. Lynn Snodgrass

STAFF PRESENT:

Aaron Felton, Committee Counsel
Paula Gilmer Purcell, Committee Assistant

MEASURES HEARD:

Work Session on House Bill 3045
Public Hearing on Senate Bill 143
Work Session on Senate Bill 143
Public Hearing on Senate Bill 454
Work Session on Senate Bill 454
Public Hearing on Senate Bill 666
Work Session on Senate Bill 666
Public Hearing on Senate Bill 823
Work Session on Senate Bill 823

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE 97, SIDE A

05 CHAIR WATT: Brings the meeting to order at 1:30 p.m.

Work Session on House Bill 3045

10 CHAIR WATT: Lets go over the amendments, dash six and dash nine.

28 If these amendments do not pass, hopefully the Board will work hard to
work these problems out.

44 MOTION: CHAIR WATT: MOVES the dash six amendments to House Bill 3045.

45 VOTE: CHAIR WATT: Any discussion?, objections?, hearing none, so

50 REP. BEYER: Gives a summary of the dash nine amendments and what they
will do to the bill. These will eliminate the dash six amendment.

61 MOTION: REP. BEYER: MOVES the dash nine amendments to House Bill 3045.

69 REP. BROWN: Is every one involved in agreement?

72 REP. BEYER: No.

76 CHAIR WATT: We have discussed the supervisory capacity thing, and the
Board's involvement. This would give a better feel to the Board.

90 REP. BEYER: We want to do the right thing to protect the public.

105 My hospital is joining with a public hospital to do the surgery. We
need to be careful about these things. I would add people to all the
Boards in the State at this time.

121 REP. FAHEY: I never heard anything about who is responsible.

131 CHAIR WATT: You have identified the problem. We need to make sure that

the bottom line does not effect patient care.

177 Continues with statement on House Bill 3045.

184 VOTE: 6-1 MOTION FAILS
AYE: Beyer
NO: Brown, Carpenter, Fahey, Lundquist, Snodgrass, Watt

195 CHAIR WATT: Explains what amendments have been adopted and their
effect.

203 MOTION: REP. SNODGRASS MOVES House Bill 3045 as amended with a DO
recommendation.

205 VOTE: 4-3 MOTION FAILS

PAS

NO: Beyer, Brown, Carpenter, Fahey
AYE: Lundquist, Snodgrass, Watt

Closes Work Session on House Bill 3045

Opens Public Hearing on Senate Bill 143

220 AARON FELTON, COUNSEL FOR THE LABOR COMMITTEE: Provides a summary of House Bill 143.

225 BOB ANDREWS, PUBLIC EMPLOYEES RETIREMENT SYSTEM: Testifies in favor of Senate Bill 143. Provides written testimony [EXHIBIT B].

234 There had been an error in a bill last session and this bill needs to be passed so that the error can be rectified. One section was put in a different section.

261 TOM CLIFFORD, LEGISLATIVE COUNSEL: Testifies in favor of the dash two amendments.

279 This would let us bring back people who have retired so they can come back and work during the legislative session without it effecting their retirement.

298 OZZIE ROSE, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Testifies in favor Senate Bill 143. Provides written testimony [EXHIBIT A].

327 We would be able to hire retired people part time. It would save us lots of money.

337 REP. BROWN: Why not change the limit for all public employees.

339 ROSE: I think it is a good idea.

365 Let me provide a change to the amendment: LC 491, line twenty-one, "or as a licensed school employee", instead of "a school superintendent".

Close Public Hearing on Senate Bill 143

Open Work session Senate Bill 143

430 ANDREWS: Maybe we need a definition on what a licensed school employee is.

459 Maybe we could make a citation to denote this.

TAPE 98, SIDE A

45 ANDREWS: On line twenty-one of the dash one amendments, we need to add the citation.

57 CHAIR WATT: Goes over the new conceptual amendment. In the exempt service as described in ORS 240.200 (4) or as a licensed school employee under ORS 342.120 (10).

63 MOTION: BEYER: MOVES the dash two amendments with the changes as

line 21, ORS 240.200 (4) or as a licensed school employee

under ORS 342.120

(10). On page two of the dash two delete lines six

through nine.

73 VOTE: CHAIR WATT: Discussion?, hearing none, so ordered.

78 CHAIR WATT: Would this effect our fiscal statement?

85 ANDREWS: They would have no impact to us. Maybe revenue impacts on the employee.

93 MOTION: REP. BEYER: MOVES House Bill 143, as amended, with a DO PASS recommendation.

95 VOTE: 6-0 MOTION PASSES

AYE: Brown, Carpenter, Fahey, Snodgrass, Beyer, Watt

NO: None

Rep. Lundquist was excused

100 CHAIR WATT: Rep. Beyer, will you carry the bill?

101 REP. BEYER: Yes.

Closes Work Session on Senate Bill 143

Opens Public Hearing on Senate Bill 454

109 FELTON: Provides summary of Senate Bill 454.

111 LINDA SAMPLE LINDHOLM, EXECUTIVE DIRECTOR OF THE MANUFACTURED HOUSING COMMUNITIES OF OREGON: Testifies in favor of Senate Bill 454. Provides written testimony [EXHIBIT C].

139 CHAIR WATT: Are there are other kinds of lodging besides temporary or permanent?

145 LINDHOLM: We wanted it to reflect the industry.

fo1

151 REP. BEYER: Are these people generally salaried?
152 LINDHOLM: Yes they are, they have contracts.
158 FELTON: Even if they are on salary they need to be exempt.
164 REP. FAHEY: Are talking about just the manager of the park?
168 LINDHOLM: It does say resides in the park, they would have to live on site.
179 JOHN BRENNEMAN, MANUFACTURED HOUSING COMMUNITIES OF OREGON: In most cases they are small parks where the manager just gets their spot free. Usually it is just one person.

Closes Public Hearing on Senate Bill 454

Opens Work Session on Senate Bill 454

203 REP. BEYER: What I am searching for is to try to move closer to the bill we just did. I would feel more comfortable if we use the word resident manager.
210 We want to be very careful about exemptions from this law. Would you object to change the individual residing to a resident manager?
225 EMILY CEDARLEAF, MULTI FAMILY HOUSING COUNSEL: The multi family unit managers are already excluded. If you created the definition you would have to go back and change many other statutes. This does not exempt them from the federal laws.

255 MOTION: REP. BROWN: MOVES Senate Bill 454 with a DO PASS recommendation.

258 VOTE: 7-0 MOTION PASSES
AYE: Beyer, Brown, Carpenter, Fahey, Lundquist, Snodgrass, Watt

268 CHAIR WATT: Rep. Brown will you carry the bill?
269 REP. BROWN: Yes.

Closes work session on Senate Bill 454

Opens Public Hearing on Senate Bill 666

270 SENATOR ROD JOHNSON, SPONSOR OF THE BILL: Testifies to why he has sponsored Senate Bill 666.

294 This bill would protect the new employer.
333 REP. BEYER: Talk to me about clear and convincing evidence.
339 SEN. JOHNSON: Explains the two types of evidence.
365 REP. BROWN: According to a letter we have attorney, it explains that this is already available.
382 SEN. JOHNSON: There is such a paranoia among the employers, that there is a problem.
407 REP. BROWN: Would you agree with me that one of the most valuable things an employee takes with them to the next job is his or her reputation? The employer bears some responsibility in the reception that employee might get with a future employer.
410 SEN. JOHNSON: The previous employers opinion is very important. They have seen the persons work ethics.
430 REP. FAHEY: How does an employee know what is being said about him is true if they are an innocent person?

452 SEN. JOHNSON: Under current law you would have to get someone under oath. If the decision was based on false information then it would come out.

TAPE 97, SIDE B

38 Continues with statement.
50 REP. FAHEY: I would rather see the employee have the benefit of the doubt.
55 SEN. JOHNSON: The situation could always be in the reveres. Maybe the person is a good worker, but could not read very well and they could put him a suited job.
72 REP. CARPENTER: I agree with you about the need of this bill.
84 DIANE ROSENBAUM, OREGON STATE INDUSTRY COUNSEL: Testifies against Senate Bill 666.
94 I do not feel this bill will be helpful to a good employee.
147 BETSY BAILEY, ASSOCIATED OREGON INDUSTRIES: Testifies in favor of

Senate Bill 666. Provides written testimony [EXHIBIT D].

Closes Public Hearing on Senate Bill 666

Opens Work Session on Senate Bill 666

154 REP. BEYER: Is there no provision? Is it case law now?

162 SEN. JOHNSON: It is case law.

165 MOTION: REP. BEYER: MOVES conceptual amendments to Senate Bill
read as follows: On line seven, replace clear and

666
convincing evidence with

preponderance of the evidence.

182 CHAIR WATT: Are there objections? I object.

187 VOTE: 4-3 MOTION PASSES
AYE: Beyer, Brown, Carpenter, Fahey
NO: Lundquist, Snodgrass, Brown

195 MOTION: REP. BEYER: MOVES Senate Bill 666, as amended, to the floor
with a DO PASS recommendation.

200 VOTE: 6-1 MOTION PASSES
AYE: Beyer, Brown, Carpenter, Fahey, Lundquist, Snodgrass
NO: Watt

Closes Work Session on Senate Bill 666

Opens Public Hearing on Senate Bill 823

208 JOE EASLEY, OREGON TRAWL COMMISSION: Testifies in favor of Senate Bill
823 Provides written testimony [EXHIBIT E].

242 SUSAN FORKNER: Testifies in favor of Senate Bill 823. Provides
written testimony [EXHIBIT F].

256 VERLENA CROSELY, ADMINISTRATOR OF THE WORKERS COMPENSATION DIVISION:
Testifies in favor of Senate Bill 823, Provides written testimony [EXHIBIT
G].

Closes Public Hearing on Senate Bill 823

Opens Work Session on Senate Bill 823

318 CROSELY: People would have to self identify and show proof that they
are exempt. This is an amendment

328 CHAIR WATT: I have concerns about the amendment.

347 REP. THOMPSON: I have no concern with this as long as it changes from
this time forward.

363 CHAIR WATT: We will accept these conceptual amendments.

368 MOTION: REP. BEYER: MOVES the amendments on line seven of the
replace "clear and convincing" with "preponderance of the

evidence". bil

377 VOTE: CHAIR WATT: Discussion? hearing none, so ordered

383 MOTION: REP. BEYER: MOVES Senate Bill 823, as amended, with a
recommendation. DO

388 VOTE: 7-0 MOTION PASSES
AYE: Beyer, Brown, Carpenter, Fahey, Lundquist, Snodgrass, Watt
NO: None

401 CHAIR WATT: Meeting is adjourned.

Submitted by, Reviewed by,

Paula Gilmer Purcell Aaron Felton
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on Senate Bill 143, submitted by Bob Andrews
- B - Testimony on Senate Bill 143, submitted by Ozzie Rose
- C - Testimony on Senate Bill 454, submitted by Sample Lindholm
- D - Testimony on Senate Bill 666, submitted by Betsy Bailey
- E - Testimony on Senate Bill 823, submitted by Joe Easley
- F - Testimony on Senate Bill 823, submitted by Susan Forkner
- G - Testimony on Senate Bill 823, submitted by Verlena Crosley
- H - Testimony on Senate Bill 666, submitted by Irv Fletcher

I - Testimony on Senate Bill 666, submitted by Elizabeth McKanna