

SENATE COMMITTEE ON LABOR

June 10, 1991 Hearing Room B 3:00 p.m. Tapes 136- 139  
MEMBERS PRESENT:SEN. GRATTAN KERANS, CHAIR SEN. LARRY HILL,  
VICE-CHAIR SEN. PETER BROCKMAN SEN. BOB KINTIGH SEN. BOB SHOEMAKER STAFF  
PRESENT:ANNETTE TALBOTT, COMMITTEE COUNSEL ROBERTA WHITE, COMMITTEE  
ASSISTANT MEASURES HEARDHB 2809 - ALLOWS POLICE AND FIRE FIGHTERS  
WHOSE CURRENT EMPLOYER IS PARTICIPANT IN PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM (PERS), BUT WHO HAVE PREVIOUSLY BEEN EMPLOYED AS POLICE OFFICERS  
OR FIRE FIGHTERS BY PUBLIC EMPLOYER WHO DID NOT PARTICIPATE IN PERS HB  
2726 - ESTABLISHES PROCEDURE FOR NONCOMPLYING EMPLOYERS TO OBJECT TO  
ACCEPTANCE OF WORKERS' COMPENSATION CLAIMS HB 2472 - AUTHORIZES  
PREVAILING PARTY TO RECOVER ATTORNEY FEES AND COSTS IN ACTION TO COLLECT  
- DELINQUENT UNEMPLOYMENT COMPENSATION TAXES HB 2532 - EXEMPTS  
SEASONAL EMPLOYEES AT CERTAIN CAMPS FROM MINIMLIM WAGE AND OVERTIME  
LAWS, REGARDLESS OF INCOME GENERATED BY CAMP HCR3 - DESIGNATES NOVEMBER  
AS LABOR HISTORY APPRECIATION MONTH HB 2116 - SPECIFIES WHEN  
PARTICIPATION IN SCHOOL DIRECTED VOCATIONAL HB 3574 - EXEMPTS CERTAIN  
CITY OR COUNTY AGENCIES FROM REQUIREMENT TO POST BOND ESTABLISHING PROOF  
OF FINANCIAL ABILITY AS WORKERS' COMPENSATION SELF-INSURED EMPLOYER HB  
3237 - RECONSIDERATION OF HB 3237 HB 2084 - ESTABLISHES STATE  
UNEMPLOYMENT COMPENSATION BENEFIT RESERVE FUND TO PAY UNEMPLOYMENT  
COMPENSATION BENEFITS AND ADMINISTRATIVE EXPENSES IF UNEMPLOYMENT  
COMPENSATION TRUST FUND BALANCE LAPSES HB 3300 - REVISES PROCEDURES  
PROTECTING EMPLOYMENT RIGHTS OF LEGISLATORS HB 2772 - REQUIRES WAGES  
EARNED AND UNPAID AT TIME OF TERMINATION OF EMPLOYMENT TO BE PAID  
PURSUANT TO SPECIFIED PROCEDURE Senate Committee on Labor June 10, 1991-  
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005 CHAIR KERANS: Calls the meeting to order. (3:15 p.m.)

HCR3 - DESIGNATES NOVEMBER AS LABOR HISTORY APPRECIATION MONTH  
WITNESSES: Steve Lanning, Oregon AFL-CIO

011 STEVE LANNING, OREGON AFL-CIO: Testifies in support of HCR3.

SENATOR KINTIGH: Why November?

LANNING: There are a number of events and labor disputes during that  
month.

027 MOTION: SENATOR SHOEMAKER MOVES HCR3 TO THE FLOOR WITH A "DO  
PASS'' RECOMMENDATION. 029 VOTE: HEARING NO OBJECTION, THE MOTION  
CARRIES.

PUBLIC HEARING ON HB 2809 - ALLOWS POLICE AND FIRE FIGHTERS WHOSE  
CURRENT EMPLOYER IS PARTICIPANT IN PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
(PERS) BUT WHO HAVE PREVIOUSLY BEEN EMPLOYED AS POLICE OFFICERS OR FIRE  
FIGHTERS BY PUBLIC EMPLOYER WHO DID NOT PARTICIPATE IN PERS

WITNESSES: Bob Keyser, Council of Police Associations Larry Linne',  
Portland School Police Bernie Otjen, Washington County Fire fighters Pat  
West, Oregon State Fire Fighters' Council Mary Botkin, AFSCME Bill  
Carey, Children's Services Division Bob Andrews, Public Employees  
Retirement system, (PERS)

044 LARRY LINNE, PORTLAND SCHOOL POLICE: Testifies in support of HB  
2809.

· This bill would allow officers that serve with other departments not covered by PERS to be able to buy back those benefits; it would also allow our officers to individually buy back the difference between general PERS service and Police-Fire benefits.

085 BERNIE OTJEN, WASHINGTON COUNTY PROFESSIONAL FIREFIGHTERS:  
Testifies in support of HB 2809-A.

SENATOR KINTIGH: How many years are we looking at?

OTJEN: What ever they can secure.

SENATOR SHOEMAKER: Why the emergency clause?

These minutes Conbin terials which paraphrase and/or summarize SB ternente made during tthis session. Only text enclosed in quotation marks report s speaker's exact words. For complete contents of the proceed Ig8, please refer to the tapes. - Senate Committee on Labor June 10, 1991- Page 3

CHAIR KERANS: That would allow those who want to buy years and retire to do so within the calendar year. 120 PAT WEST, OREGON STATE FIRE FIGHTERS COUNCIL: Testifies in support of HB 2809. 132 BILL CAREY, ADMINISTRATOR, CHILDRENS' SERVICES DIVISION: I am asking that you add "juvenile parole officers" as a class of employees to be included in police and fire retirement. · Submits written testimony in support, (EXHIBIT B). 170MARY BOTKIN, AFSCME, COUNCIL 75: Testifies in support of HB 2809.

· There is no fiscal impact with the inclusions of the JPO's in HB 2809.

230 BOB KEYSER, COUNCIL OF POLICE ASSOCIATIONS: Submits (-2) amendments, (EXHIBIT A).

· Testifies in support of HB 2809; describes amendments. 265 SENATOR HILL: Do the people in the bill have to be presently employed or does this include retirees?

287 BOB ANDREWS, PUBLIC EMPLOYEES RETIREMENT SYSTEM, (PERS): We have 3 categories of members; an active member, a dormant or inactive member and retired member.

· Section 3 is not intended to include retirees.

WORK SESSION ON HB 2809 - ALLOWS POLICE AND FIRE FIGHTERS WHOSE CURRENT EMPLOYER IS PARTICIPANT IN PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS), BUT WHO HAVE PREVIOUSLY BEEN EMPLOYED AS POLICE OFFICERS OR FIRE FIGHTERS BY PUBLIC EMPLOYER WHO DID NOT PARTICIPATE IN PERS

Witnesses: Bob Andrews, Public Employees Retirement System, (PERS)

323 MOTION: CHAIR KERANS MOVES THE (-2) AMENDMENTS TO HB 2809.

330 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 333 MOTION: CHAIR KERANS MOVES THAT POLICE OFFICER MEANS EMPLOYEE OF THE CHILDRENS' SERVICES DIVISION, DEPARTMENT OF HUMAN RESOURCES CLASSIF [ED AS JUVENILE PAROLE AND PROBATION OFFICER WHO IS EMPLOYED AS A MEMBER OF THE SYSTEM ON OR AFTER JULY 1, 1990. 339 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

ANDREWS: The date should be 8-1-90.

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CHAIR KERANS: August 1, 1990.

352 MOTION: SENATOR KINTIGH MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION AND REQUESTS THAT THE PRESIDENT RESCIND THE SUBSEQUENT REFERRAL TO THE WAYS AND MEANS COMMITTEE. 357 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

WORK SESSION ON HB 2116 - SPECIFIES WHEN PARTICIPATION IN SCHOOL DIRECTED VOCATIONAL EDUCATION PROJECT IS TO BE COVERED BY WORKERS' COMPENSATION WITNESSES: Greg McMurdo, Department of Education

371 GREG McMURDO, DEPARTMENT OF EDUCATION: Submits (-8) amendments, (EXHIBIT C).

· Explains amendments. 415 MOTION: CHAIR KERANS MOVES THE (-8) AMENDMENTS DATED 6-10- 91 TO HB 2116. 419 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 421 MOTION: SENATOR KINTIGH MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. 425 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

HB 3300 - REVISES PROCEDURES PROTECTING EMPLOYMENT RIGHTS OF LEGISLATORS - PUBLIC HEARING

WITNESSES: Representative Jeff Gilmour, Howe District 30 Representative Ted Calouri, Howe District 7 442 JEFF GILMOUR, REPRESENTATIVE, HOUSE DISTRICT 30: Testifies in support of HB 3300, with an amendment. 458 TED CALOURI, REPRESENTATIVE, HOUSE DISTRICT 7: Testifies in support of HB 3300.

· This addresses the issue of a leave of absence for legislative employment, making it clear exactly what the violation would be if a leave isn't granted and it addresses an issue about representation, saying that the Attorney General shall represent the legislator.

· There are also parts of the statute that speak to discrimination of legislators or potential legislators, specifically mentioning what statute.

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TAPE 137, SIDE A

038 CALOURI: This makes it clear, saying that the person should apply 30 days prior and that they should come back within 15 days.

048 GILMOUR: On page 2, line 15, if you would omit "other than wages for services rendered" from the bill, adding section 4, which is an emergency clause, the bill would go further. 110 GILMOUR: When you mention "other than wages for services rendered" it is my understanding that you could come back for \$5 per day. · My point is that under this bill the employer would have to take the worker back, but at their

suggested wages which may not be the wage the employee left at.  
165 CALOURI: It probably should say "and other benefits".

CHAIR KERANS: We will have LC take care of language.

177 MOTION: CHAIR KERANS MOVES THE CONCEPTUAL AMENDMENTS WITH THE  
ADDITION OF AN EMERGENCY CLAUSE. 181 VOTE: HEARING NO OBJECTION, THE  
MOTION CARRIES. 182 MOTION: CHAIR KERANS MOVES THE BILL AS AMENDED TO  
THE FLOOR WITH A "DO PASS" RECOMMENDATION. 184 VOTE: HEARING NO  
OBJECTION, THE MOTION CARRIES.

WORK SESSION ON HB 2084 - ESTABLISHES STATE UNEMPLOYMENT COMPENSATION  
BENEFIT RESERVE FUND TO PAY UNEMPLOYMENT COMPENSATION BENEFITS AND  
ADMINISTRATIVE EXPENSES IF UNEMPLOYMENT COMPENSATION TRUST FUND BALANCE  
LAPSES

WITNESSES: Steve Tegger, Employment Division Pamela Mattson,  
Administrator, Employment Division Frank Richey, Employment Division  
Virlena Crosley, Employment Division

192 ANNETTE TALBOTT: We have (-1), (-2) & the (-3) all of which have  
been amended.

CHAIR KERANS: Explains the amendments, (EXHIBIT D & E) to HB 2084.

300 CHAIR KERANS: Continues describing amendments.

TALBOTT: The expansion of Community Colleges is specifically prioritized  
for communities where the majority of the displaced timber workers are.

· Continues to describe the amendments to HB 2084. Senate Committee on  
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445 SENATOR HILL: Is there a provision that would tie the  
supplemental benefits to satisfactory progress in the training program?  
STEVE TEGGER, LEGISLATIVE LIAISON, EMPLOYMENT DIVISION: In the re-write  
of 1191 that was part of a subsection dealing with the 8 1/2 million  
being diverted in HB 225 2; I don't see that similar language here as it  
has been edited out. 467TALBOTT: That was in the vocational  
education section before so we will add that back in. SENATOR HILL: How  
do we keep the curve so that we are only funding supplemental benefits  
for 4500; have you budgeted that out?

TAPE 136, SIDE B 035 VIRLENA CROSLY, EMPLOYMENT DIVISION: We were  
looking at a system of deciding how much money was available, then as  
people went through the evaluation process, we would decide what they  
were looking for and what it would cost.

· We haven't done it on a curve, but a first come first serve basis.  
SENATOR HILL: How do I know we won't have 1400 workers in programs that  
carry them into a supplemental UI situation with the supplemental  
benefits already being exhausted?

TEGGER: When JTPA does the assessment they know approximately how long  
they expect the worker to be in training.

065 CHAIR KERANS: Capacity is the regulator.

085 TALBOTT: On page 9 & 10 there are house keeping items; December  
1st should be December 31, 1991. · On page 11 there is a blank to be

filled in. CHAIR KERANS: Not to exceed 10%. 135 MOTION: CHAIR KERANS MOVES THE (-3) AMENDMENTS TO HB 2084 & THE HOUSEKEEPING AMENDMENTS OUTLINED BY TALBOTT. 137VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

151 PAMELA MATTSON, ADMINISTRATOR, EMPLOYMENT DIVISION: Explains the (-1) amendments which were amended by the Attorney General's Office.  
185 MOTION: CHAIR KERANS MOVES THE (-1) AMENDMENTS AS AMENDED BY THE ATTORNEY GENERAL'S OFFICE. 191 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

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TEGGER: Explains the (-2) amendments.

203 MOTION: SENATOR HILL MOVES THE (-2) AMENDMENTS TO HB 2084.  
215 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. MATTSON: Addresses the concern of small communities and the cost to them.

· Outlines (Exhibit E), a chart prepared by the Employment Division showing the impact on small communities.

315 MATTSON: The chart is projecting that, with current law, for calendar year of 1992, we would stay in schedule 5, see (Exhibit E).  
349 FRANK RICHEY, EMPLOYMENT DIVISION: The "dip stick" test does have to take into account a number of factors. 390 MOTION: CHAIR KERANS MOVES HB 2084 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.  
398 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

HB 2472 - AUTHORIZES PREVAILING PARTY TO RECOVER ATTORNEY FEES AND COSTS IN ACTION TO COLLECT DELINQUENT UNEMPLOYMENT COMPENSATION TAXES - WORK SESSION 430 ANNETTE TALBOTT, COMMITTEE COUNCIL: Explains the bill as amended.

445 MOTION: CHAIR KERANS MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

450 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

HB 3574 - EXEMPTS CERTAIN CITY OR COUNTY AGENCIES FROM REQUIREMENT TO POST BOND ESTABLISHING PROOF OF FINANCIAL ABILITY AS WORKERS' COMPENSATION SELF-INSURED EMPLOYER - PUBLIC HEARING

WITNESSES: Linda Lynch, City of Eugene Olivia Clark, City of Salem John Hoffman, City of Portland Tom Mattis, Manager, Compliance Section, Workers' Compensation Division, Department of Insurance and Finance, (DIF)

470 LINDA LYNCH, CITY OF EUGENE: The bill eliminates the requirement to post a surety bond to establish financial ability as a self insured employer.

CHAIR KERANS: This would allow you to be exempt from the surety bond provision, but you'd get that only from the director of the Department of Insurance and Finance; would that be

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done annually?

TAPE 137, SIDE B

040 LYNCH: Yes. 043 OLIVIA CLARK, CITY OF SALEM: It isn't clear that we have to apply annually, but certainly we do submit an annual audit that is reviewed.

069 JOHN HOFFMAN, RISK OPERATION SUPERVISOR, CITY OF PORTLAND: Submits (EXHIBIT H).

CHAIR KERANS: What does a surety bond run?

HOFFMAN: It can run from \$20,000 to \$45,000 per year.

085 CHAIR KERANS: What if counsel were to draft an amendment specifying that failure to comply would require the submission of the surety bond? CLARK: That isn't a concern that the department brought up in the process; we have built further protections in to the bill that we feel are adequate. 097 TOM MATTIS, MANAGER, COMPLIANCE SECTION, WORKERS' COMPENSATION DIVISION, DEPARTMENT OF INSURANCE AND FINANCE: We did meet with the Cities several times; we believe that we have enough assurance up front in the review of the application to determine if a city was in such a financial condition that we could accept the establishment of a loss reserve account in lieu of the surety bond. We wouldn't object to allowing us, upon the annual review, to determine that the surety bond be required, but we need to spell out criteria in administrative rules if that were the case. CHAIR KERANS: Do you read the bill as written to permit the department, upon submission of the annual audit, to determine that the loss reserve account isn't adequate and that would you then have the power to require the surety bond? MATTIS: That has been our belief. SENATOR SHOEMAKER: Why the "more than 3 years prior"? MATTIS: That came out of a discussion with the cities; it was felt that if the department was managing it's affairs properly, we could eliminate one of the safe guards. CHAIR KERANS: Of the self insured cities, have any come in in the last three years? LYNCH: The City of Springfield has been self insured for workers' compensation for about 3 to 4 months so they wouldn't qualify for the elimination of the bond for a while.

HB 3574 - EXEMPTS CERTAIN CITY OR COUNTY AGENCIES FROM REQUIREMENT TO

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POST BOND ESTABLISHING PROOF OF FINANCIAL ABILITY AS WORKERS' COMPENSATION SELF-INSURED EMPLOYER - WORK SESSION

168 MOTION: SENATOR SHOEMAKER MOVES THE BILL TO THE FLOOR WITH A "DO PASS" RECOMMENDATION .

171 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

WORK SESSION ON HB 3237 - RECONSIDERATION OF HB 3237

177 MOTION: CHAIR KERANS MOVES THE RECONSIDERATION OF THE VOTE BY WHICH HB 323 7 PASSED OUT OF COMMITTEE.

179 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

HB 2532 - EXEMPTS SEASONAL EMPLOYEES AT CERTAIN CAMPS FROM MINIMUM WAGE AND OVERTIME LAWS. REGARDLESS OF INCOME GENERATED BY CAMP Witness: Frank WashB urn

210 CHAIR KERANS: Defines the (-2) amendments (EXHIBIT 1). ANNETTE TALBOTT, COMMITTEE COUNSEL: Further outlines the (-2) amendments.

271 TALBOTT: Describes section 2.

· I don't think we need the word "charitable" in the definition of "organized camp".

CHAIR KERANS: We will strike that.

365 FRANK WASHB URN: There is no relevancy between gross income and the rationale for the exemption; that was inadvertently picked up from federal legislation.

385 MOTION: CHAIR KERANS MOVES THE (-2) AMENDMENTS AS AMENDED TO HB 2532. 386 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

390 MOTION: CHAIR KERANS MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. 395 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

400 CHAIR KERANS: The meeting is recessed. (5:10 p.m.)

402 CHAIR KERANS: The meeting is reconvened. (7:22 p.m.) PUBLIC HEARING ON HB 2726 - ESTABLISHES PROCEDURE FOR NONCOMPLYING EMPLOYERS TO OBJECT TO ACCEPTANCE OF WORKERS' COMPENSATION CLAIMS -

- Senate Committee on Labor June 10,1991- Page 10

WITNESSES: Tom Mattis, Workers' Compensation Division, Department of Insurance and Finance

435 ANNETTE TALBOT, COMMITTEE COUNSEL: This bill regards non-complying employers.

· Employers can ask for a hearing on the compensability at anytime, which is unlike a complying employer, to appeal a compensability decision.

· Describes bill.

475 TALBOTT: The department has a proposed amendment they would like to offer.

CHAIR KERANS: Page 1, sub 1 gives closure at 90 days for non-complying employers, the same as complying employers? 489 TOM MATTIS, WORKERS' COMPENSATION DIVISION, DEPARTMENT OF INSURANCE AND FINANCE: That is correct.

TAPE 138, SIDE A

030 MATTIS: On page 2, line 6 - 23 basically sets forth the kinds of things we do already and this simply codifies practice. We do have a concern on page 1, line 27; this implies that the director is unable to recover the costs from the non-complying employer until we have completed the audit provided for in section 4. This would basically snarl our collection process which we have worked to where we are getting about 20% recovery. CHAIR KERANS: Strike "accept as provided for in subsection 4 of this section"? MATTIS: That will take care of it.

079 MOTION: CHAIR KERANS MOVES THE DIF AMENDMENT ON LINE 27.

080 VOTE: HEARING NO OBJECTION THE MOTION CARRIES. 082 MOTION: SENATOR HILL MOVES HB 2726-B AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. 086 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

WORK SESSION ON HB 3237 - RECONSIDERATION OF HB 3237

WITNESSES: John McCulley, Tree Growers Association Michael Dale, Oregon Legal Services Paul Tiffany, Administrator, Wage & Hour Division, Bureau of . . . 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 taper. - Senate Committee on Labor June 10, 1991 - Page 11

Labor & Industries, (BOLI) 097 JOHN McCULLEY, TREE FRUIT GROWERS: Testifies in support of the reconsideration of HB 3237.

We were concerned that we were limiting those people that may fall under this exemption.

McCULLEY: Uses example of a group of farmers who operate a farm worker camp but have ceased operation because of the "hassles".

113 SENATOR HILL: What hassles did they encounter?

McCULLEY: They were told they were considered farm labor contractors; my understanding was that they didn't have the time or management to take care of the facility.

127 SENATOR HILL: Farm labor contractor or not they must still take care of the facilities.

McCULLEY: Correct.

SENATOR HILL: So what is the hassle? McCULLEY: It was their time in complying and not having the management to assure them that they were meeting all the requirements.

The concern relative to this bill is that in circumstances similar to that three or four growers may go together, putting together farm worker housing and we are concerned that the use of the word "farmer" could put those people in the position of being a farm labor contractor, thus discouraging the development of that type of housing.

188 CHAIR KERANS: Uses hypothetical examples to discover the difference between "farmer" and "association".

SENATOR KINTIGH: Any farmer or group of farmers?



MCCULLEY: That is a possibility; we arrived at the conclusion that a person would be broader than a farmer.

225 SENATOR HILL: It isn't appropriate to exempt the associations from the farm labor statutes.

· I'm not convinced that the farm labor contractor requirements in law are that burdensome.

246 McCULLEY: With the word "person" an association of farmers would not be exempt from the definition of farm labor contractor in the bill currently.

285 SENATOR HILL: There was a farmer arrested for "ripping off" 100's of dollars for phoney documents and unfortunately it is the "bad apples" that drive so much policy.

CHAIR KERANS: If we say "a person", would an "association" operating a camp for their own - - Senate Committee on Labor June 10, 1991- Page 12

workers' have operation?

MCCULLEY: We came to the conclusion that "association" wouldn't fall under this definition but something less than that would, such as a "cooperative".

315 CHAIR KERANS: We could get to the same place with "farmer".

325 MOTION: SENATOR KINTIGH MOVES TO AMEND THE BILL TO READ "PERSON" INSTEAD OF "FARMER". SENATOR HILL: Requests response from Oregon Legal Services. 348 MICHAEL DALE, OREGON LEGAL SERVICES: Explains again his objections to using the term "person" instead of "farmer". · We would oppose any broadening of the exemption. CHAIR KERANS: Could a farmer get together with other farmers in cooperation to house workers? DALE: The critical question would be whether or not the farmer was receiving enumeration from the workers or others for work off the farm. MOTION: SENATOR HILL PRESENTS A "FRIENDLY" AMENDMENT TO THE KINTIGH AMENDMENT ADDING "ON LAND OWNED OR OPERATED BY THE PERSON," ON LINE 5. DALE: I'd prefer staying with the language as drafted. · I think that associations are inappropriately exempted from the farm labor contractor statutes. 480 SENATOR KINTIGH: Withdraws his motion. 488 PAUL TIFFANY, ADMINISTRATOR, WAGE AND HOUR DIVISION, BUREAU OF LABOR AND INDUSTRIES, (BOLI): Suggests a technical amendment. · On line 4 of the (-A6) amendments, if you changed "hires" to "employees" you'd get the same terminology used in statute.

TAPE 139, SIDE A 042 MOTION: CHAIR KERANS MOVES TO REPLACE "HIRES" WITH "RECRUITS, SUPPLIES, SOLICITS OR EMPLOYEES WORKERS". 043 VOTE: HEARING NO OBJECTION THE MOTION CARRIES. 045 MOTION: CHAIR KERANS MOVES THE BILL TO THE FLOOR AS AMENDED WITH A "DO PASS" RECOMMENDATION. Senate Con nutteeon Labor June 10, 1991 - Page 13

049 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

052 SENATOR HILL: I would request unanimous consent that I be recorded as voting Aye on the Labor Appreciation Month bill (HCR3).

CHAIR KERANS: Hearing no objection senator hill is shown as voting aye on HCR3.

PUBLIC HEARING ON HB 2775 - REQUIRES WAGES EARNED AND UNPAID AT TIME OF TERMINATION OF EMPLOYMENT TO BE PAID PURSUANT TO SPECIFIED PROCEDURE

Witnesses: Joe Gilliam, National Federation of Independent Business, (NFIB) Mike McCallum, Oregon Restaurant Association John McCulley, Oregon Fairs Association Paul Tiffany, Administrator, Wage and Hour Division, Bureau of Labor and Industries, (BOLI)

062 JOE GILLIAM, NATIONAL FEDERATION OF INDEPENDENT BUSINESS, (NFIB): Submits and explains the amendments, (EXHIBIT J). ANNETTE TALBOTT, COMMITTEE COUNSEL: We've restored the deleted material on lines 5, 6 & 7, inserting a period after "immediately". We do have a new section 3 dealing with seasonal farm workers. 104 SENATOR HILL: You are requesting that we go from 48 hours to 5 days? GILLIAM: Yes. 121MIKE McCALLUM, OREGON RESTAURANT ASSOCIATION: We believe that the five days will save employers money because they will not have to "cut" a special check, it will instead probably fall within the pay period of the company. 140 SENATOR HILL: Why would a fair get 48 hours while everyone else gets 24 hours? JOHN McCULLEY, OREGON FAIRS ASSOCIATION: It takes the counties two to three days to run a special payroll outside the normal county payroll cycle for those fairs.

177 PAUL TIFFANY, ADMINISTRATOR, WAGE AND HOUR DIVISION, BUREAU OF LABOR AND INDUSTRIES, (BOLI): Testifies in opposition to HB 2775. The bill significantly changes the state's policy on how final paychecks are issued; the employees most impacted by this proposal will be low income wage earners. 212 TIFFANY: We think that the inconvenience for the employer can't stand against the needs of employees to feed themselves or families and to move freely without artificial barriers and to be able to meet their financial commitments. 242 SENATOR HILL: If a person is terminated for cause or not, the money must be paid immediately if it is a seasonal farm worker, or by the end of the next working day. - - Senate Comm; - e on Labor June 10, 1991- PaBe 14

TALBOTT: Immediately doesn't mean "immediately" if it happens on a Saturday, Sunday or holiday.

For seasonal workers, "immediately" means "immediately".

WORK SESSION ON HB 2775 - REQUIRES WAGES EARNED AND UNPAID AT TIME OF TERMINATION OF EMPLOYMENT TO BE PAID PURSUANT TO SPECIFIED PROCEDURE

340 MOTION: SENATOR HILL MOVES THE AMENDMENTS, AS AMENDED, AS PRESENTED BY STAFF. 343 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 345 MOTION: SENATOR HILL MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. TALBOTT: We just added a new subsection and section 2 doesn't pick that up; we need to add "and section 3 of this 1991 Act" on page 2 line 27 after "652.140".

374 VOTE: HEARING ONE OBJECTION, THE MOTION CARRIES. CHAIR KERANS OBJECTS. 385 CHAIR KERANS: The meeting is adjourned. (8:17 p.m.) Submitted by: Roberta White Assistant Administrator

EXHIBIT SUMMARY:

A - HB 2809: Proposed amendments submitted by KEYSER, pp 3 B - HB 2809: Written testimony submitted by CAREY, pp 1 C - HB 2116: Proposed amendments submitted by MCMURDO, pp 2 D - HB 2084: Proposed amendments submitted by SENATOR KERANS, pp 11 E - HB 2084: Written testimony & amendments submitted by TEGGER, pp 7 F - HB 3574: Written testimony

submitted by MORRISETTE, pp 1 G - HB 3574: Written testimony submitted  
by the City of Eugene, pp 1 H - HB 3574: Written testimony submitted by  
HOFFMAN, pp 2 I- HB 2532: Proposed amendments submitted by SENATOR  
KERANS, pp 3 J - HB 2775: Hand engrossed copy submitted by staff, pp 2 K  
- HB 3574: Written testimony submitted by POWERS, pp 1 L - HB 2809:  
Proposed amendments submitted by REP. DOMINY, pp 3 M - HB 2809:  
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