

GUEST EDITORIAL FROM THE
ALBANY DEMOCRAT-HERALD

State is butchering
equal pay rollout

There's nothing wrong with the main idea behind the Oregon Equal Pay Act of 2017, which is driven by the concept that men and women should get roughly equal pay if they're doing work of "comparable character."

That just makes sense in terms of fairness, but we're not there yet, considering recent studies indicating that Oregon women still earn 79 cents for every dollar a man earns. The act, passed by the 2017 Legislature and scheduled to go into effect at the start of the year, seeks to close that gap.

But there's a problem: The state hasn't done nearly all the hard work required to prepare for this major piece of legislation, which has far-ranging impacts for both employees and employers. A recent story in The Oregonian suggests the state's Bureau of Labor and Industries, and its lame-duck head, Brad Avakian, have been sluggish in rolling out the rules necessary to implement the law (they weren't published until two days before Thanksgiving) and haven't done nearly what they should have to educate employers.

"The execution of this bill did not go the way I hoped it would," Sen. Kathleen Taylor, D-Portland, told agency members at a recent hearing of the Senate Workforce Committee, which she chairs. "This has left a lot of people rather frustrated. Unfortunately, I didn't hear any justifiable reason why it didn't happen earlier."

The Oregon Equal Pay Act of 2017 expands previous state law to prohibit wage discrimination for gender and adds a number of other protected classes, including race, color, religion, sexual orientation, marital status or age. The new law applies to all forms of compensation, including benefits. An exception in the law allows employers to pay employees different amounts for comparable work if the wage disparity is a "bona fide factor" that is related to the job — a seniority system, for example, or experience or education. The act prohibits employers from screening job applicants based on current or past compensation and also bars them from obtaining the salary history of applicants.

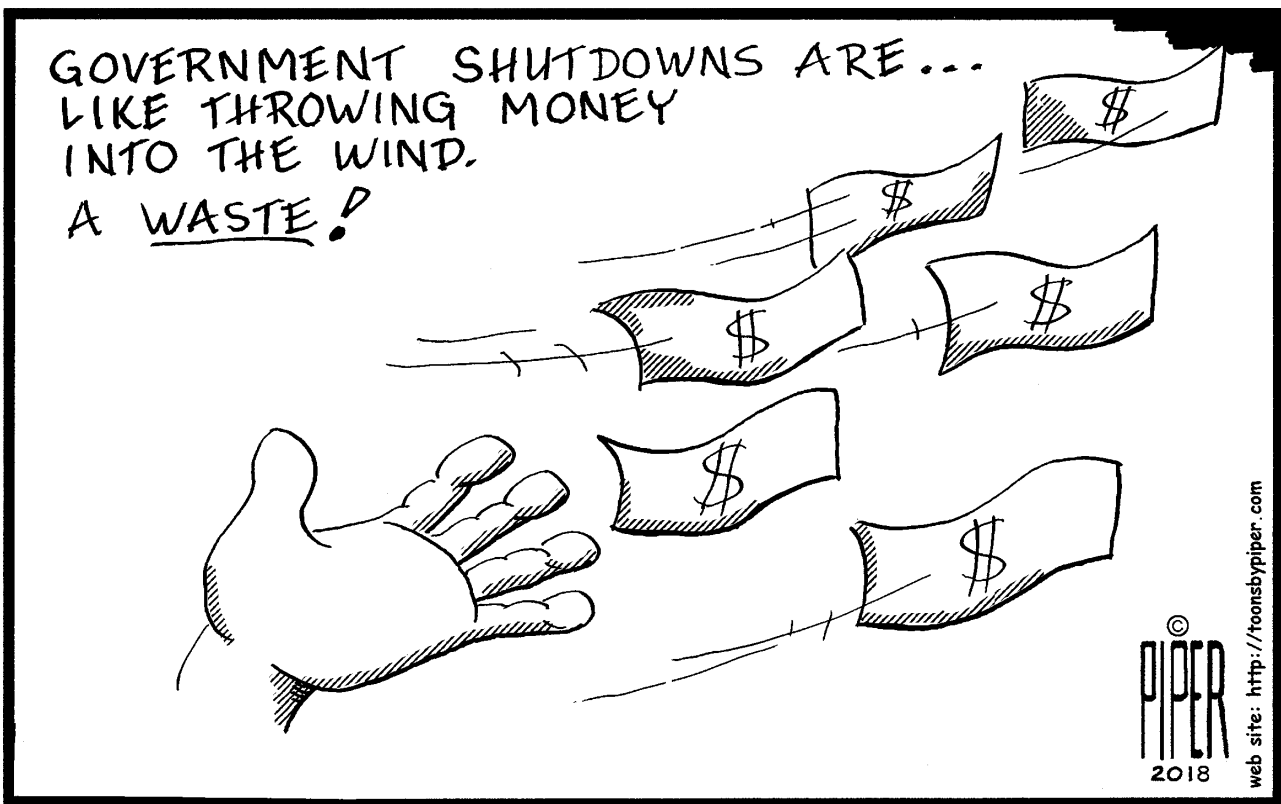
Under the terms of the law amounts owed to employees due to unlawful pay disparities are considered unpaid wages. Penalties for violations include liability for unpaid wages, compensatory damages, punitive damages, attorneys' fees and the like. But employees may be able to avoid having to pay compensatory and punitive damages if they complete an equal-pay analysis within three years before an employee files a complaint with BOLI or in court.

So you can see how employers in particular might be interested in learning more about how the law will affect them — and why they're frustrated that BOLI took so long to lay out the rules implementing the law. And there's still confusion about some of those rules — for example, BOLI has not provided guidance on what an equal-pay analysis must include to allow a business to claim that safe harbor against compensatory and punitive damages.

The incoming head of the bureau, Val Hoyle, said, as a result of the delayed rollout, the agency will focus for the first six months of the year on outreach and education, with an emphasis on smaller businesses, which might not even be aware of the act and may have a challenging time complying with its provisions.

That's the proper position for Hoyle to take, and that could give businesses a bit of a breather in dealing with equal-pay complaints that are filed with BOLI. And Hoyle is right to put the agency's focus on small businesses, which don't have the resources that larger businesses enjoy to sort through the complexities of legislation such as the Equal Pay Act.

Legislators and other state officials love to talk about the importance of small businesses to Oregon's economy, which is why it's odd that the needs of small businesses so often get buried in the state's haste to pass and implement major changes in policy.



Children in foster care need your help

Did you know...
Of youth who age out of foster care without a permanent home:

- 1 in 5 will become homeless within the first several years of leaving foster care
- 4 in 5 young men will be involved in the criminal justice system
- 1 in 4 will suffer from post-traumatic stress disorder
- all will be three times less likely to complete high school than the general population
- less than 8 percent will earn a college degree

In fiscal year 2017, a total of 11,645 children spent at least one day in some kind of foster care in Oregon, and an average of 7,831 children were in foster care on a daily basis (2017 Child Welfare Data Book, accessed at www.oregon.gov/DHS).

An estimated one in three abused and neglected children will eventually victimize their own children, so it is important to try to reach these children when they are young, to help them return safely to their families or, if that cannot be accomplished, to find a significant and safe permanent home through adoption or guardianship.

Children in foster care in Union and Wallowa counties — who have suffered abuse, neglect or unsafe living conditions in their homes — need their community's help to ensure them a safe permanent home as soon as possible.

Each child in foster care is required by law to have their case reviewed by a judge or a panel of local citizens (Citizen Review Board)

every six months to ensure the child is receiving adequate care. The Citizen Review Board, Oregon's foster care review program, is a part of the Oregon Judicial Department, which establishes local boards in counties throughout the state, including Union and Wallowa counties. The panel is made up of three to seven volunteer members of the community.

The volunteers are provided training and are appointed by the Chief Justice of the Oregon Supreme Court. Members of the CRB are given case files in advance to review. They then serve on a panel for one day every other month and review foster care cases with everyone involved, including the Department of Human Services caseworker, parents, children, attorneys, Court Appointed Special Advocates and other significant persons. The CRB makes a series of legal findings and offers recommendations that go to DHS, the court and all involved parties to help ensure the children's needs are being met.

The CRB provides a citizen voice on the services being provided to the family and/or the child and on the permanency decisions that are made for these vulnerable children. The CRB works to promote conditions that ensure that every child lives in a safe, secure, healthy, permanent home, preserving families whenever possible.

Volunteers are needed to serve on the Citizen Review Board. The CRB is looking for anyone who cares about the health and well-being of children

My Voice

ABOUT THE AUTHOR

John Nichols is the field manager of the Oregon Judicial Department Citizen Review Board, which encompasses Baker, Hood River, Malheur, Umatilla/Morrow, Union/Wallowa and Wasco counties — based at the Umatilla County Courthouse in Pendleton. MyVoice columns reflect the views of the author only. My Voice columns should be 500-700 words or as space allows. Submissions should include a portrait-type photograph of the author. Authors also should include their full name, age, occupation and relevant organizational memberships. We edit submissions for brevity, grammar, taste and legal reasons. We do not fact check. We reject those published elsewhere. Send columns to La Grande Observer, 1406 5th St., La Grande, Ore., 97850, fax them to 541-963-7804 or email them to news@lagrandeobserver.com.

and is willing to commit one day every other month to reviewing cases. You don't need a background in child welfare.

For more information, contact John Nichols at 541-233-8142 or john.a.nichols@ojd.state.or.us, or the volunteer resource coordinator at CRB.Volunteer.Resources@ojd.state.or.us or 503-986-4535.

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