

OREGON

What's at stake for working people in the 2019 Oregon Legislature

Democrats hold an 18-to-12 majority in the Oregon Senate, and a 38-to-22 majority in the Oregon House. Organized labor helped many of them get there, and now will ask them to deliver results for working people. Here are some of the top pieces of legislation to be considered in this year's session of the Oregon Legislature.

CARBON

Create Clean Energy Jobs A special Joint Committee on Carbon has been working for some time on legislation that would cap carbon emissions, auction off emissions permits, and use the revenue to create jobs in the clean energy sector. Gov. Kate Brown and Democratic legislative leaders have said this is a major priority. The Oregon AFL-CIO and the Oregon Building Trades Council will be keeping tabs on the legislation and try to maximize the jobs potential while minimizing job losses. The devil (as well as the angels) will be in the details. A draft bill was expected after this issue went to press, and its first hearing was scheduled for Feb. 1. The Building Trades Council wants to see the law require payment of the prevailing wage on any construction projects that are paid for by the carbon pricing scheme, and it wants union apprenticeship programs to be included when displaced workers are retrained.

HOUSING

Enact rent control and an end to no-cause eviction Oregon has rapidly become an unaffordable place to rent or buy, and lawmakers are feeling pressure to do something about it. Their key vehicle will be Senate Bill 608, which is set to have its first hearing Feb. 4. It would end sudden outrageous rent hikes: Landlords would not be allowed to raise rent more than 7 percent plus inflation in any year. The bill would also end no-cause evictions after 12 months of tenancy.

HEALTH CARE

Fund the Medicaid expansion The 2010 Affordable Care Act, aka Obamacare, greatly expanded Medicaid to cover everyone at or near the poverty level. But it also required states to gradually pony up a greater and greater portion of the cost of that Medicaid expansion — until 2020, at which point the state contribution will stabilize at 10 percent of the tab. Oregon lawmakers have had to get creative about how to come up with the money for the state Medicaid program, known as the Oregon Health Plan. In 2017,



they increased a hospital provider tax and added a tax on insurance companies. To go the final distance, Gov. Brown this year is proposing to increase those two taxes, raise cigarette taxes, and levy a new fee on employers who don't provide health coverage to employees.

Claw back hospital tax breaks Lawmakers will also consider limiting property tax breaks for non-profit hospitals — if they spend too little on the charity care that's supposed to justify those tax breaks.

Provide health coverage to part-time public college faculty At state colleges and universities, full-time permanent faculty jobs are getting rarer, and more and more instructors find themselves teaching classes at multiple institutions. This year lawmakers will consider a proposal to have the state offer health insurance to public college faculty who find themselves in that predicament.

REVENUE

Ask business to pay its fair share Oregon K-12 schools, state colleges and public services have been chronically underfunded since the 1990s, when voter-passed ballot measures limited property taxes and imposed a supermajority rule that makes it easy for lawmakers to cut taxes but hard to raise them. That's a big part of why businesses pay lower overall taxes in Oregon than any other state. This year, Democrats finally have the supermajority needed to raise revenue — if they can come together around a proposal. One possibility on the table is a "commercial activities" or

"gross receipts" tax on businesses. Washington has this kind of tax. Oregon public sector unions proposed a version of it in Measure 97, but it failed at the ballot in 2016.

Pass the Oregon Taxpayer Reimbursement Act

When employees have to rely on food stamps, Medicaid, and other forms of public assistance to get by, their employers are getting a kind of public subsidy. UFCW Local 555 wants to see the state get that money back with a bill that would penalize large retail, hospitality and call center businesses (100 or more employees worldwide) if they have any part-time employees who receive public assistance.

WORKERS' RIGHTS

End independent contractor misclassification In recent decades, employers have increasingly come to cheat employees by classifying them as "independent contractors" as if they owned their own businesses. To be an independent contractor means a worker lacks many standard legal benefits like workers' comp, unemployment insurance, and employer Social Security contributions. Last year, the California Supreme Court cracked down on this abuse, mandating a uniform test to determine whether a worker is really an independent contractor. Oregon unions will call on lawmakers to pass a similar standard this year.

Crack down on construction industry wage theft

In the construction industry, wage theft is all too common among subcontractors, with general

contractors too often refusing to take responsibility for the wrongdoing. The practice doesn't just hurt workers, it hurts honest business competitors, and it hurts the state, which loses out on revenue. Construction unions want to remedy that by making general contractors responsible, increasing civil penalties for wage theft, and requiring more contractors to post wage bonds.

Pass the Oregon Corporate Accountability Act

Corporations are increasingly locking employees out of the right to sue when they are wronged, by requiring them to sign arbitration clauses as a condition of employment. This year UFCW Local 555 is advocating for a bill that would allow workers to get around those limitations. Modeled on California's Private Attorneys General Act, it would allow private individuals to sue over labor law violations — on behalf of the state.

CONSTRUCTION

Enact prevailing wage in Enterprise Zones - On big publicly-funded projects, Oregon pays the prevailing wage to construction workers — so that contractors can compete on quality, not on who can pay the least. But what about construction projects that are funded with tax breaks instead of tax dollars? Google, Facebook, and other big tech firms benefit from public investment in the form of generous property tax exemptions in areas designated as Enterprise Zones. The Oregon Building Trades Council will push to make those tax breaks contingent on payment of the prevailing wage.

Simplify the prevailing wage by using the union rate To calculate the prevailing wage for each construction trade, you could conduct a labor-intensive and expensive government survey of employers, as Oregon now does. Or you could do what Washington recently resolved to do: Accept the fact that the rates that unions collectively bargain with employer groups are the most common wage paid — and serve as proven market-tested standards for their industries.

Expand apprenticeship utilization requirements

To draw more (and more diverse) applicants into construction, lawmakers will consider proposals to increase the number of apprentices required on public projects, lower the dollar threshold so that the requirement applies to more projects, and extend the requirement to Oregon Department of Transportation projects which up to now have been exempt.

Get good answers to a really important question

The Building Trades Council will ask legislators this year to mandate a study by the Bureau of Labor and Industries of the economic impact of the prevailing wage law.

—Don McIntosh

Isn't it about time for a budget bump for BOLI?

Two weeks into her role as Oregon's labor commissioner, Val Hoyle told a gathering of 200 union officers that her number one priority will be to restore funding for her agency, the Oregon Bureau of Labor and Industries (BOLI). Hoyle's predecessor Brad Avakian never made that an issue during his eight years in office.

"I want to make sure workers in this agency have the resources they need to get the job done," Hoyle told attendees at the Oregon Labor Law Conference Jan. 25.

Hoyle said BOLI today has half the staff it had two decades ago, even as Oregon has grown in population, and the agency has more laws it's responsible

for enforcing. When Jack Roberts began as labor commissioner in 1995, BOLI had 200 staff members. Today it has 97, including just a dozen compliance specialists who are responsible for enforcing minimum wage, overtime, prevailing wage, and sick leave laws for 2 million Oregon workers. BOLI also enforces civil rights

laws, and oversees apprenticeship training programs.

"My number one priority is to get the resources to hold employers accountable when they're not doing the right thing," Hoyle said.

Hoyle said she will ask Oregon lawmakers to step up and restore BOLI funding this year.

—DM



Labor Commissioner Val Hoyle