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WORKERS RIGHTS

Will Oregon get serious about labor law enforcement?

Val Hoyle will make the case that BOLI has fallen far behind in budget and personnel.

By Don McIntosh

Without enforcement, there comes a point when laws are just scraps of paper.

In Oregon, responsibility for investigating violations of minimum wage, overtime, and a dozen other vitally important labor laws falls to as few as 12 compliance specialists at the Wage and Hour Division of the Oregon Bureau of Labor and Industries (BOLI).

It's the same for workers' civil rights, like the right not to be discriminated against on the grounds of race or gender, and the right not to be fired for filing a workers' comp claim—about 13 investigators in BOLI's Civil Rights Division. That's about one wage and hour investigator—and one civil rights investigator—for every 150,000 workers.

Those investigators, and the BOLI support staff and attorneys who work with them, are busier than ever. BOLI is also responsible for the state's apprentice programs and for educating employers about labor laws. But its total workforce has been stuck at about 100 since 2003, and that was a big drop-off from staffing levels in the mid-'90s. BOLI's staff has shrunk by a third since 1995, even as Oregon's population has grown by more than a million, and legislators have passed new laws for BOLI to enforce.

"When Duke and I came in, we were actually shocked at the lack of staff for the amount of work that needs to be done," Labor Commissioner Val Hoyle told the *Labor Press* by phone. Elected labor commissioner in 2018, Hoyle named former Oregon AFL-CIO political director

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THE ENFORCERS

WAGE AND HOUR DIVISION Enforces laws on minimum wage, overtime, child labor, sick leave, fair scheduling, and prevailing wage in public construction, plus regulations on farm, forest, janitorial, and construction contractors. **STAFF:** 35 **BUDGET:** $4.7 million a year

CIVIL RIGHTS DIVISION Enforces laws banning discrimination in employment, housing and public accommodations, and protecting workers against retaliation for reporting safety violations, applying for workers comp, or using family leave. **STAFF:** 29.5 **BUDGET:** $3.3 million a year

Columbia Gorge behavioral health provider breaks labor law and pays a price

Management wanted to continue 1-to-1 relations with workers. Workers had other ideas.

By Don McIntosh

It's against Oregon law for state and local governments to spend tax dollars trying to stop their employees from unionizing. But an intergovernmental agency in the Columbia Gorge did it anyway, and now must pay a $3,000 civil penalty and reimburse Oregon AFSCME roughly $40,000 for legal fees.

Mid-Columbia Center for Living (MCCFL) provides mental health and addiction recovery services at clinics in The Dalles, Hood River, and Moro. On June 12, Oregon AFSCME turned in cards signed by 7 out of 10 of the agency's 112 workers. Under state law that's all it takes for public sector workers to get a union. But at the direction of chief executive officer June Gower, management distributed two anti-union fliers June 16, as well as anti-union talking points to managers. Gower did that after a legal review from the anti-union law firm Bullard Law. Given the prohibition on anti-union campaigning by Oregon public employers, that was some shoddy and expensive legal advice. And the fliers were laughably bad. [See them at *https://bit.ly/3eVITvb*.]

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That's not all. After the union was certified July 6, management continued to act as if it never happened, cutting hours and eliminating benefits for new hires, rewriting the policy manual, and making other changes without first bargaining with the workers' union about it. Changes like that are what had led workers to seek union representation in the first place — Gower had shortened work days and then the work week, cutting pay 20%.

On Aug. 6, Gower announced that MCCFL was ter-

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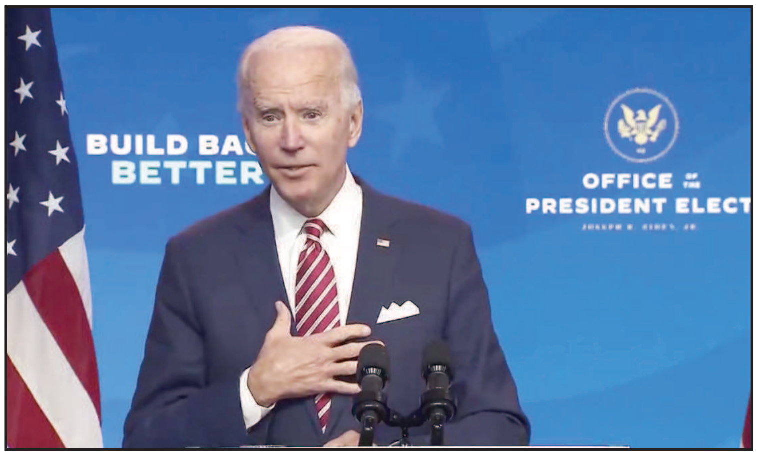

CHANGE IS COMING: To talk about COVID recovery, president-elect Joe Biden and Kamala Harris met Nov. 16 with business and labor leaders, including the CEOs of GM, Target, and Microsoft, and leaders of AFL-CIO, AFSCME, UFCW, UAW, and SEIU. "I made it clear to the corporate leaders," Biden said after, "I said 'I want you know I'm a union guy. Unions are going to have increased power.'"

What the 2020 election means for organized labor

By Don McIntosh

On Jan. 20, 2021, Joe Biden will become president of the United States. Biden courted union support, and pledged to support sweeping legislation to make it easier for workers to unionize. Now that agenda may depend on the outcome of a pair of Jan. 5 runoff elections in Georgia for U.S. Senate. If the Republican candidate wins either of those races, the U.S. Senate will remain in Republican control, and Biden will be the first president in 30 years to enter the White House without his party in power in the House and Senate.

Either way, there's much President Biden can do as head of the executive branch, including reversing Trump executive orders that stripped federal workers of union rights, and putting pro-worker appointees in charge of the Labor Department, OSHA, and the National Labor Relations Board. Biden's transition team is coming up with recommendations for who should lead and staff those agencies. Two union leaders are on the team's 15-member advisory board: IBEW President Lonnie Stephenson and United Farm Workers President Teresa Romero. The Biden transition team also put at least 20 labor movement figures on the subcommittees recommending appointments to the departments of Labor, Transportation, Education, Justice, Treasury, Energy, and Health and Human Services.

But president wasn't labor's only priority on November 3: Around the country, ballot measures put a pro-worker agenda before voters:

- **Minimum wage:** Florida voters approved by 61% a raise in the minimum wage from $8.56 to $15 an hour in 2026.
- **Paid leave:** In Colorado, voters approved by 57% giving workers 12 weeks of paid family and medical leave, funded by a payroll tax split between employers and employees.
- **Tax fairness:** In Arizona, a tax on the rich passed with 52% support: Backed by the teachers union and the Arizona AFL-CIO, it levies an extra 3.5% income tax on income over $250,000/$500,000 (single/joint) to fund teacher salaries and training.
- **Payday lending limit:** Nebraska voters overwhelmingly (83%) approved Initiative 428, limiting the annual interest on payday loans to 36%.
- **Golden State defeat:** But in California, money still talks. In a huge defeat for organized labor, voters approved Proposition 22 by 58%. Led by Uber, Lyft, Instacart, DoorDash, and Postmates, supporters spent $205 million on the measure, setting a record for the most expensive ballot measure in U.S. history. It exempts app-based drivers and delivery workers from a union-backed law the California Assembly passed last year that requires them to be treated as employees.

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