

...Will Oregon get serious about labor law enforcement?

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Duke Shepard as her deputy. They spent the first two years of her four-year term wringing all the efficiency and improvements they could out of the existing operation. BOLI's worksite posters and web site were rewritten so they could be understood by working people, not just law school graduates. Materials and forms were made translatable. Instead of just waiting for complaints to be filed, a Proactive Investigations and Enforcement unit was assigned to target industries where there'd been lots of wage violations. Hoyle even instituted voluntary monthly management furlough days, and saved enough from the reduction in management salaries to fund an additional front-line position.

Now, Hoyle says they've reached a point where the budget math doesn't work out ... if BOLI wants to meet the public expectation that labor laws will be enforced.

"The absence of further investment ... will render many established legal rights as little more than aspirational value statements codified in statute," the agency says in its official budget request document. "Rights declared without adequate enforcement results in delayed and denied justice."

In the next two-year budget cycle, BOLI is asking for a modest increase, enough to increase staff from its current 105 full-time equivalent positions to 130.5. That would still leave the agency 30 fewer staff than it had 25 years ago, but perhaps Hoyle, a former House Majority Leader who served seven years in the Legislature, knows not to ask for too much at once.

On the civil rights side, Hoyle is asking for five more investigators—to reduce caseload and allow staff to spend more time on each case. Right now, most BOLI civil rights investigators handle more than 50 cases at a time, Hoyle says, and it's not uncommon to have 75 cases or more.

"By any measure these caseloads are unacceptable," Hoyle said. If lawmakers approve her budget request, civil rights caseload would drop below 45. She's also asking for four investigators to investigate civil rights discrimination in housing; currently there are none.

Caseloads are a problem in wage and hour enforcement too,

with the result that cases can take a long time to resolve. With violations of the law that requires payment of the prevailing wage on public construction projects, BOLI's official goal is to complete two thirds of investigations within 90 days. That goal has been met only once in five years.

In 2018, less than half of prevailing wage investigations were completed within 90 days. That's a problem, because when construction projects end, workers move on, and it can be harder to get justice for the victims of wage theft. Last year, 126 prevailing wage investigations led to \$1.1 million in back wages for construction workers.

All told, BOLI's Wage and Hour division investigates nearly 1,400 unpaid wage claims a year, and collects close to \$2 million a year in back wages. The division's workload may be growing now because of a common-sense change Hoyle made: This summer the agency made it possible to file a wage complaint online, and Hoyle says wage and hour claims have doubled since then.

Hoyle wants six more full-time positions in the Wage and Hour division, in order to target wage violations in Oregon's cannabis industry. Between grow operations and retail, too many cannabis workers are paid improperly in cash, in product, and in violation of the law. She also wants to hire a Russian-speaking investigator in prevailing wage enforcement. And she wants to add a staff person to recruit more women and minorities to state apprenticeship programs.

Will lawmakers deliver? BOLI submitted its budget request in late summer. The next step is for the governor's office to agree or disagree; the governor is expected to submit her proposed two-year budget by the end of this month. But that's just a recommendation; state legislators are the decision-makers when it comes to budgeting.

The Legislature's Joint Ways and Means Committee will next work on the budget from February to June 2021. When they meet, Hoyle will make the case for remedying decades of underfunding in labor law enforcement.

"The workers that I have in my agency are incredibly committed, and have done a lot with nothing for a long time," Hoyle said. "They deserve to have the resources to do the job."

WORKER SAFETY

Oregon OSHA's COVID rule takes effect

On Nov. 16, a temporary Oregon OSHA rule took effect—to protect workers from COVID-19 in all workplaces. The rule will remain in effect until at least May 4, 2021. But it's not clear how many employers or workers know about it. It's like the proverbial tree falling in the forest: If OSHA announces a rule and no one hears about it, does it protect workers?

OSHA has no way to let Oregon's roughly 110,000 employers and 1.8 million workers know about the new rule except media reports. SAIF, Oregon's biggest workers' comp insurer, emailed all its employer customers about the rule, but an OSHA spokesperson couldn't say whether other insurers had done so.

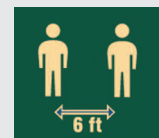
COVID-19 has killed 247,000 Americans, and it's clear a major upsurge is under way, making COVID-19 a potential on-the-job hazard. As of Nov. 12, the Oregon Health Authority was reporting active outbreaks of at least 5 confirmed cases at 90 Oregon workplaces, as well as active outbreaks with at least three confirmed cases at 75 assisted living centers.

BECOME A COVID STEWARD

Here's how you can keep yourself, your co-workers and family members safe:

- 1) Know the rules (see box right).
- 2) If your employer isn't following the rules, you—or your union steward or staff rep—should let them know about the rules.
- 3) If they still don't follow the rules, file a complaint online at osha.oregon.gov/workers or by calling 1-800-922-2689. You can ask that your identity be kept confidential. Employer retaliation for making an OSHA complaint is illegal.

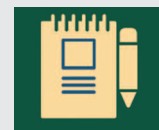
YOUR EMPLOYER MUST KEEP YOU SAFE



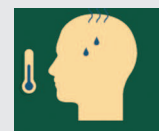
Physical distancing Whenever feasible, workers must be separated from one another and other individuals by at least 6 feet.



Face covering Indoors (or outdoors when workers must be within 6 feet) employers must provide face coverings to all workers and ensure they use them.



Risk assessment With participation from employees, employers must gauge potential exposure and address how to minimize it. See the form at <https://bit.ly/3pCgJua>



Notification Workers should let employers know if they have a cough, shortness of breath, fever, etc., and employers must notify workers within 24 hours if they learn of a workplace COVID-19 exposure.



Post the COVID-19 Hazards poster in the workplace

Download the poster in English <https://bit.ly/36IVs9D> or Spanish <https://bit.ly/3kIPNoW>

DID YOU KNOW

RAYMOND HARRIS?

DID YOU WORK AT: PORTLAND, OR AREA SHIPYARDS
IN THE 1960s?

OR: HEAT TREATER AT LEBARRE MACHINE WORKS
IN THE 1970s-1985?

The law firm of Schroeter Goldmark & Bender is seeking information on behalf of the family of Raymond Harris.

Please call us toll-free:
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