

# BOLI: 'The law is complicated'

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\$98,600 the governor makes and barely twice the \$32,839 paid to state lawmakers for their officially part-time jobs.

Unlike other offices, it hasn't been a springboard to bigger things. Incumbents have run for governor, U.S. senator, Oregon Supreme Court justice and secretary of state. None has won.

The three most active candidates have been Helt, Kulla and Stephenson.

## Helt

A restaurateur in Bend, Helt served about 10 years on school boards and two years in the state House representing Bend.

Helt is a remnant of a vanishing political species that once dominated state politics: the moderate Republican.

Elected to the House from a Democratic-leaning district in 2018, Helt often bumped heads with the GOP caucus — sponsoring legislation for mandatory vaccinations for school children that was opposed by Republicans. When the House GOP caucus walked out to deny a quorum to consider a controversial cap-and-trade bill, Helt was the only Republican who remained in Salem.

After losing her 2020 reelection bid to Rep. Jason Kropf, D-Bend, Helt's focus was on maintaining her family business and employees during the COVID-19 pandemic.

Looking to return to public office, Helt felt she was a good match for the politically moderate electorate in the newly aligned 5th Congressional District. She could win a general election, but winning a closed primary against opponents who are avid supporters of former President Donald Trump and supported by vaccine skeptics seemed unlikely.

Hoyle's decision to drop her reelection bid for BOLI was an opportunity.

"I liked that BOLI was nonpartisan," Helt said. "It fits my experience well. I've been a business owner for 18 years. We've had 103 employees. BOLI has 120. No other candidate has run a business with over 100 employees."

Helt said she'd seen the ups and downs of career and technical training programs as a school board member. She praised Hoyle for realigning programs to better fit with real-world job demands in Oregon. Her time in the Legislature gave her a view on how workplace law evolves.

"The office takes all of my hats and combines them into one," Helt said.

Helt rejects the label of conservative in the race, but wants to bring an open and pragmatic approach to the job.

"The job is to uphold the civil rights of all Oregonians," Helt said. "It has to be a fair process and a balanced process. Part of the job is ensuring that everybody knows the rules. This shouldn't be a 'gotcha' agency. I think most employers want to do the right thing. But for the bad actors, I'll enforce the law."

## Kulla

Kulla was the first candidate to sign up for the Democratic primary for governor when the window to file opened last fall.

But as more candidates entered the race, the Yamhill County commissioner saw money and attention among Democrats focused on former House Speaker Tina Kotek, State Treasurer Tobias Read and, before he was ruled ineligible because of residency requirements, New York Times columnist Nicholas Kristof.

In mid-January, Kulla switched to run for BOLI.

Kulla said the labor commissioner's top priority is ensuring the civil and working rights of workers and people seeking housing are protected.

The commissioner's office has to be a place that proactively gets out information to workers that business



Cheri Helt, Casey Kulla and Christina Stephenson are among the candidates running for state labor commissioner in the May election.

owners don't make the rules — and BOLI is a place to get information and, if necessary, seek help to resolve disputes.

"But first, they need to know that BOLI exists," Kulla said. "It doesn't matter if there are rules if people don't know about them and who enforces them."

Kulla said relations between businesses and workers that come to BOLI don't have to always be adversarial. As one of the first cannabis licensees in the state, Kulla took part in creating the rules and regulations that would guide the legal marijuana business into the future. Both the state and the growers shared expertise and dispelled inaccurate information.

"It was a great example of the regulators and the regulated listening to each other and finding solutions that worked," Kulla said.

Oregon's economy and workforce are rapidly evolving, Kulla said, with areas such as gig workers and farmworkers whose jobs don't fit easily into existing definitions of jobs. BOLI needs to keep both workers and operators in these areas up to date with changes in the rules.

On technical job training, Kulla said he wants to see more cooperation with employers so that the students who commit to the programs as a path to their post-high school or community college working lives don't just end up with a certificate.

"There has to be a clear path to real jobs at the end," he said.

## Stephenson

The day after Kulla filed for BOLI, he was followed by Christina Stephenson, a Democrat and employee rights attorney.

Stephenson has won the backing of at least 21 labor union groups, including the AFL-CIO, the American Federation of State, County and Municipal Employees and the Teamsters, along with political action committees for Planned Parenthood and Pro Choice Oregon.

She's been endorsed by Hoyle. Political backers include U.S. Sen. Jeff Merkley, former Gov. Barbara Roberts, House Speaker Dan Rayfield and DeFazio.

Stephenson said she's had a front-row seat to the shortcomings of labor law in Oregon.

"My job has been representing workers getting a raw deal for employers who aren't following the rules," Stephenson said.

Stephenson said BOLI needs to be a resource for both employers and employees so that they know what's right and wrong from the start.

"The law is complicated," she said. "There are a number of different tests — civil rights vs. wage and hour laws, workers compensation, unemployment. Both sides are probably unsure of where they stand. BOLI's role is to help everyone understand rights and responsibilities."

Stephenson said the gig economy, in which businesses consider themselves middlemen between customers and contracted workers, will be a challenge to define in labor law. So will the evolving status of farmworkers.

"It's up to the Legislature to make the laws," she said.

That may mean taking a step like California to legally define the status of gig workers as employees or something else.

"What everyone wants and needs is clarity and simplicity," Stephenson said.

BOLI's role in job and technical training is to align students as early as middle school to know their options. Programs have to match employers' needs. The result has to be good jobs that pay a living wage.

Stephenson said she was proud of the support she's received from organized labor, but that didn't mean she would come into the job in an adversarial stance to business.

"Quality jobs, fair housing, fair wages, should all be pretty noncontroversial issues," she said. "Our good employers don't want these bad actors breaking the law. It puts them at a competitive disadvantage when someone else is making money through wage theft."

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