

Worker protections considered for expectant mothers, pot users and family caregivers

By Mark Miller
Oregon Capital Bureau

Expectant mothers, marijuana users and caregivers for ailing relatives could all benefit from worker protections that legislators are scrambling to write into law this year.

Advocates say state law doesn't go far enough to protect workers in many cases, especially when they have medical issues or family obligations.

Sympathetic lawmakers are offering proposals to overhaul the workers' compensation system, require "reasonable" accommodations for pregnant and nursing employees, prohibit most employers from firing or not hiring someone over their off-hours marijuana use and provide more robust paid family and medical leave.

Business owners worry that state mandates could cost them money and productivity.

House Bill 2005 would transform family and medical leave in Oregon, turning it into a universal benefit that would pay out a portion of an employee's wages while they are out for reasons like a difficult pregnancy, a debilitating injury or illness, a family emergency or the recent birth or adoption of a child.

State and federal laws currently allow workers to take unpaid family leave for 12 weeks per year, and in most cases, employers are obligated to let them return to their jobs. However, businesses with fewer than 25 employees are exempt.

Current law doesn't require that an employer pay an employee who is on family leave, although some do voluntarily.

Under HB 2005, also known as the FMLI Equity Act, family and medical leave would be paid for by insurance. Workers would put up to

"I WOULD GET TO DO WHAT'S RIGHT FOR MY STAFF, HELPING THEM DURING A TIME WHEN THEY ARE EXPERIENCING FAMILY OR MEDICAL ISSUES BY ALLOWING THEM, BY ENABLING THEM TO TAKE TIME OFF AND TAKE CARE OF WHAT IS IMPORTANT IN THEIR PERSONAL LIFE, AND HELPING THEM GET A PAYCHECK DURING THAT TIME,"

Thuy Tran, who owns Rose City Vision Care in Portland

1 percent of their earnings toward a state-run insurance fund, into which businesses would have to pay as well. In return, employees on leave would be eligible for benefits equal to some or all of their salary.

Compensation would be pegged to a worker's salary. Minimum-wage hourly workers would be eligible for full pay. For higher-paid workers, the insurance payments could cover most, but not all, of their normal wages.

By 2022, a worker could take up to 22 weeks' paid leave: four for pregnancy leave, if she is completely unable to work due to pregnancy or childbirth; eight for medical leave, which could also be used to care for a family member who is seriously ill; and 10 for parental leave, for use only in the year after a child's birth, adoption or foster placement.

The following year and thereafter, the maximum amount of paid leave would increase to 26 weeks.

The leave provision is sponsored by House Majority Leader Jennifer Williamson, D-Portland, and Sen. Kathleen Taylor, D-Milwaukie. It's based on the ideas of a work group they convened last year.

Supporters say Oregonians deserve to spend time with a new child or caring for a relative without going into debt or risking their jobs.

"We should not be placing people in the position of choosing between valuable family time and their career," Rep. Courtney

Neron, D-Wilsonville, said at a committee hearing last month.

Many business-owners who testified last month objected to House Bill 3031, an earlier version of the FMLI Equity Act. Gregory Keilman, owner of The Dalles Chiropractic, said it would likely drive him out of business.

"It will destroy small businesses in this state," he said in a letter to legislators.

To address small business worries, the proposal has been amended to provide state grants up to \$3,000 to help while an employee is out on leave.

Thuy Tran, who owns Rose City Vision Care in Portland, likes the idea of an employee's prolonged absence from work being covered by insurance, which she said could allow her to bring on temporary help. That's a "win-win," she said.

"I would get to do what's right for my staff, helping them during a time when they are experiencing family or medical issues by allowing them, by enabling them to take time off and take care of what is important in their personal life, and helping them get a paycheck during that time," Tran said last month.

The National Federation of Independent Businesses is still cool to the proposal. The group told legislators it has "major concerns" about a new 1 percent payroll tax and how small businesses would staff their operations when an employee is on leave.

Another legislative pro-

posal would make it harder to deny health coverage — including follow-up medical tests — for people receiving workers' compensation.

The Oregon Trial Lawyers Association originally proposed House Bill 3022 as a sweeping proposal to overhaul workers' comp. It has been meeting with business and labor representatives to narrow the bill's focus, lobbyist Arthur Towers said.

"What we want to do is make sure that workers can get those diagnostic tests they need to figure out what's really wrong with them," Towers said. "That's a pretty huge problem with the system right now."

Workers with previous medical conditions who are injured can also be "kicked off" of workers' comp, as Towers described it, on the basis that their employer shouldn't be on the hook for preexisting issues. The group that has been working on HB 3022 has agreed that employers should have to prove that the on-the-job injury isn't the reason an employee is unable to work or has an ongoing need for medical care.

Kimberly Wood, co-chair of the Oregon Management-Labor Advisory Committee, said the group will propose changes for legislators to consider as the bill moves

forward.

Three House Republicans voted Monday, April 8, against forwarding HB 3022 to another legislative committee for more work.

"It seems like it'd be something that we'd want to move into a different session, at a later time," Rep. Greg Barreto, D-Medford, said. "Something as serious as messing with workers' comp gives me concern."

Legislation to protect employees who are pregnant or nursing is also advancing.

House Bill 2341 aims to address what advocates call "pregnancy discrimination" in the workplace. The legislation would prohibit employers with more than five employees from rejecting a job applicant or punishing a worker who wants them to accommodate her pregnancy.

Employers already have to provide accommodations for workers with disabilities, bill sponsor Rep. Karin Power, D-Milwaukie, noted. She believes the law should protect pregnant workers in a similar fashion.

Power is also sponsoring House Bill 2593, which would require employers to grant "a reasonable rest period" to an employee to breastfeed a child or pump breast milk. The current law provides 30 minutes for every four hours of work now, which

some advocates say is not sufficient.

"Not having adequate time to pump or breastfeed can lead to infections," Power said.

Both proposals have cleared committee and now head to the full House.

Meanwhile, the Senate may consider a proposal to shield most workers from employment recriminations over marijuana use outside of work.

Sen. Floyd Prozanski, D-Eugene, who unsuccessfully pushed similar legislation two years ago, believes that since voters chose to legalize recreational marijuana in Oregon in 2014, workers whose marijuana use does not affect their job performance or safety — "not in a high-risk employment situation," as he put it — should be protected.

He is concerned about employers behaving in a "totalitarian" way and punishing people for what they do outside of work, he said, adding, "You should not have that type of control over somebody where it is not justified."

The legislation — Senate Bill 379 — has been amended to allow employers to ban private use of marijuana as a condition of employment for emergency responders, health care professionals, transit operators, taxi drivers and "employees who perform job functions that may involve a risk of injury to others." That would cover occupations such as truckers, construction workers and machinery operators.

Marijuana remains illegal under federal law. Employers that are required to follow federal drug policy would also be exempt from SB 379.



GOOD FRIDAY SERVICE
7pm at Grace Chapel
Remembering Jesus' sacrifice
with hymns and scripture.

OLD TRADITION, NEW LOCATION!
Prairie City's Community Easter Service now at Grace Chapel begins at 10:30am followed by an Easter egg hunt & potluck at the Senior Center.

GraceChapel-EMC.com | Find us on Facebook!

154 East Williams Street, Prairie City, OR 97869 | (541) 820-4437

114057

**WRIGHT
CHEVROLET
HAS SOLD!**  **CHEVROLET.**

**Bill Jr. will still be selling but
beginning in May, your choices of New
Chevrolet, GMC, Buick will quadruple!
Choose from over 125 used too!**

**The shop/service will be shut down but
Warranty Service will still be available!**

Same Two Contact Numbers for Bill Jr:
541-763-4175 • 541-980-2917

Still In Fossil!

114303



Earth Day ~ April 22, 2019



It's a good time for all of us to start making the most of new opportunities to recycle. Recycling bins for plastic containers, tin cans, newspaper, magazines, and cardboard are located at Clark's Transfer Station, 26431 Luce Creek Road, John Day, OR.

"Waste prevention" is about not making waste in the first place as we change what we use and how we use it.

Consumers can impact the environment by preventing waste through the choices they can make every day. What materials we consume and how we consume them is what makes the real difference.

We all can make it a daily practice to recycle, reuse, and compost. Grant County promotes recycling and waste reduction within the Grant Watershed as required by OAR 340-090-0030 and 340-090-0040. For more information, contact Grant County at 541-575-0059.



Wow!

That's a lot of vehicles,
but NAPA Filters has
got 'em covered.

**NAPA Filters'
Spring Sale!
April 15-22, 2019**

Spring forward into NAPA Filters' Spring Sale. You'll save big on all NAPA Gold oil, air, hydraulic, fuel and cabin filters you desire. And our unique NAPA Filters' Program manages your inventory so that all your vehicles stay on the move and not stuck in the garage on a lift.



AUTO PARTS

721 W Main St., John Day
541-575-1850
Mon - Fri 7 am to 6 pm
Sat 8am-5pm, Closed Sun

111376