

OREGON  
BUSINESS  
& INDUSTRY



## In View: Employment

2019 OBI Annual Meeting

*Building Oregon: It Starts With Jobs*



Honoring Senator  
Betsy Johnson

May 7 | 3 p.m. to 6 p.m.  
Salem Convention Center

**REGISTER**

### OBI Annual Meeting

Oregon Business & Industry's Annual Meeting is just around the corner! Join us on May 7 at the Salem Convention Center as we bring together economic and civic leaders to discuss how business builds great Oregon jobs.

OBI is honoring Sen. Betsy Johnson with the first Jobs Champion Award, presenting speakers Gov. Kate Brown, House Speaker Tina Kotek, Senate Republican Leader Herman Baertschiger, House Republican Leader Carl Wilson and Sen. Arnie Roblan, and a panel of business leaders will discuss the outlook for growing employment in Oregon.

### Oregon March Jobs Report

Oregon added 5,700 jobs in March, an increase after a 1,200-job decline in February, according to the Oregon Employment Department's latest monthly report. "Job gains in recent months are an indication of continued moderate economic expansion in Oregon, despite the tight labor market as was evident from the near-record unemployment rate," the March report said. Several industries saw significant growth in jobs, both for the month of March and for the last 12 months.

# Employment in Oregon: March 2019



From the Oregon Employment Department

Employment rose by  
**5,700 jobs** in March 2019

- 1,300 - professional and business services
- 1,100 - government
- 900 - healthcare and social assistance
- 800 - other services
- 700 - leisure and hospitality

12 month job gains:  
March 2018 - March 2019

- 3,400 - transportation, warehousing and utilities
- 4,400 - construction
- 5,500 - manufacturing
- 1,800 - computer and electronic product manufacturing

Read the full report from the Oregon Employment Department by [clicking here.](#)



## Regulatory Updates

### Paid Family Leave

OBI has been highly involved in the Legislature's discussions on expanding paid leave for family and medical needs. OBI is working to ensure employers are represented in these discussions and that responsibility for pay for leave, and the extent of leave, does not hurt businesses.

The proposed bill, [HB 2005](#), applies to any business with at least one employee, but those with fewer than 25 employees can apply for grants to assist with paying for temporary workers. The bill proposes phasing-in extending parental and medical leave for employees. In 2022, leave cannot exceed 22 weeks and in 2023 and 2024, leave cannot exceed 26 weeks.

# HB 2005: Phasing of parental/medical leave (proposed)

		Year of phase-in		
		2022	2023	2024
Types of leave	Parental	10 weeks	12 weeks	14 weeks
	Medical	8 weeks	10 weeks	12 weeks
	Illness, injury or childbirth	4 weeks	4 weeks	4 weeks
	<b>Total</b> (cannot exceed)	<b>22 weeks</b>	<b>26 weeks</b>	<b>26 weeks</b>

Both employers and employees would fund this program. Payroll deductions would go into a state-run Paid Family and Medical Leave Insurance Fund.

The bill is currently in the House Committee on Rules.

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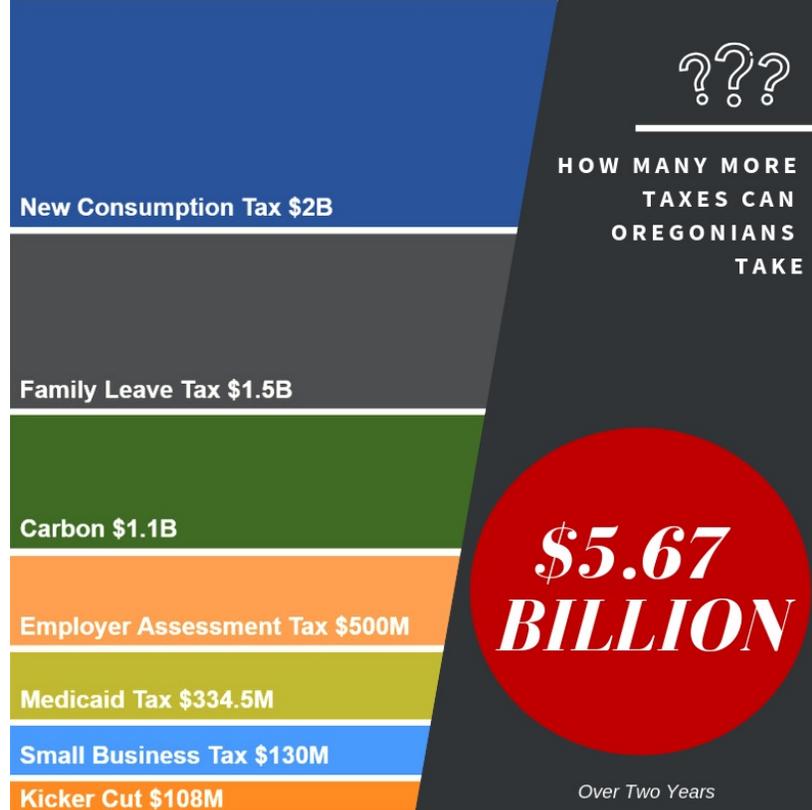
## Workers' Compensation

[HB 3022](#) was pushed by the Oregon Trial Lawyers Association and would have rolled back many reforms from the 1990s. OBI worked collaboratively with the Management-Labor Advisory Committee (MLAC) subcommittee over the past two months to ensure changes minimally affect employers. The bill now makes technical changes to diagnostic services and procedures around pre-existing conditions. Big thanks go to SAIF and MLAC for facilitating changes that protect workers while also preserving the Workers' Compensation system. It is on the agenda for a House Committee on Rules work session on Monday.

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## \$5.67 Billion

OBI and its partners continue to send the message to the Capitol that the cumulative cost of fees, taxes and programs proposed in the 2019 Legislature is too high. Feel free to share this graphic and contact your legislators to let them know that \$5.67 billion is more than Oregonians can handle. [Click here](#) for information about legislators.



## Structuring an Equal Pay Analysis

By Heidi Mason, Innova Legal Advisors  
LegalPlus Program

Oregon's [Equal Pay Act](#), which began taking effect in 2017, went fully into effect in January. It offers a partial safe-harbor for employers who voluntarily perform equal pay analyses within three years of the date an action is filed. In exchange for proactively evaluating and correcting unlawful wage disparities, such employers may be shielded from liability for compensatory and punitive damages in the event of a future lawsuit.

Some employers are motivated to act because the offer of risk mitigation is too attractive to pass up. They also genuinely want to know if their compensation practices are fair, equitable, and align with their organization's mission and values. Those who choose to move forward generally start with the same question – What does an equal pay analysis look like?

The law defines an equal pay analysis as “an evaluation process to assess and correct wage disparities among employees who perform work of comparable character.” The evaluation must be: (a) completed in good faith; (b) reasonable in detail and scope in light of the employer's size; and (c) related to the protected class asserted by a potential future employee plaintiff.

Unfortunately, no further guidance is provided regarding how to structure an equal pay analysis. The silver lining is that absent specific guidance, employers have a lot of flexibility to adopt reasonable procedures that make sense given their unique circumstances.

Generally, such procedures should include, but are not limited to, the following:

- A process to evaluate the actual work performed by each employee in the organization. To the extent the actual work performed differs from the employee's job



description, it is appropriate to update the job description or create a job description to recognize the existence of a new job.

- A method to quantify or measure the level of knowledge, skill, effort, responsibility required to perform each job, and the working conditions of each job. Focus on the *level*, not the *type*. For example, the type of knowledge required to perform the duties of an Accounting Manager is not comparable to the type of knowledge required to perform the duties of an IT Manager. However, the level of knowledge might be comparable between the two positions.
- A description of which jobs are grouped together as work of comparable character and the rationale behind those decision. This is an area where employment counsel can assist by rendering a legal opinion regarding whether the jobs are appropriately grouped.
- A review of the organization's wage scales and bonus structures. If different wage scales and bonus structures exist for jobs that are grouped as work of comparable character, it may be necessary to make adjustments to achieve equity.
- A detailed review of demographic and total compensation data for each employee. The demographic data should include information regarding the employee's race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability and age, to the extent such information is known.

Given the nature of the processes described above, it's not uncommon for equal pay analysis projects to take several months to complete. However, once the first analysis is done, and the wage differentials (if any) are eliminated, it is much easier to maintain equity in the future.

For more information, see [Oregon's Pay Equity Project website](#).

*If you or your company would like to contribute content to OBI newsletters, please let us know by emailing [communications@oregonbusinessindustry.com](mailto:communications@oregonbusinessindustry.com).*



## In the News

[Oregon added 5,700 jobs in March, state reports](#)

[Rogue Valley orchardist can't find workers for harvest](#)

[New jobs boost for the Central Oregon Coast](#)

[Construction industry tackles workforce dilemma from multiple angles](#)



## Wholesale Fuel Pricing

OBI has partnered with MCP Petroleum to drive down OBI members' fuel cost. OBI is leveraging the collective purchasing power of our membership to get wholesale fuel pricing for our members. In addition to fuel savings, OBI members will have access to a comprehensive fuel management system that will reduce slippage, save valuable employee time and provide accountability and oversight of your company's fuel consumption.



PETROLEUM

OBI members who use 900 gallons of fuel annually through their company are eligible for this program. Please contact [Jeff](#)

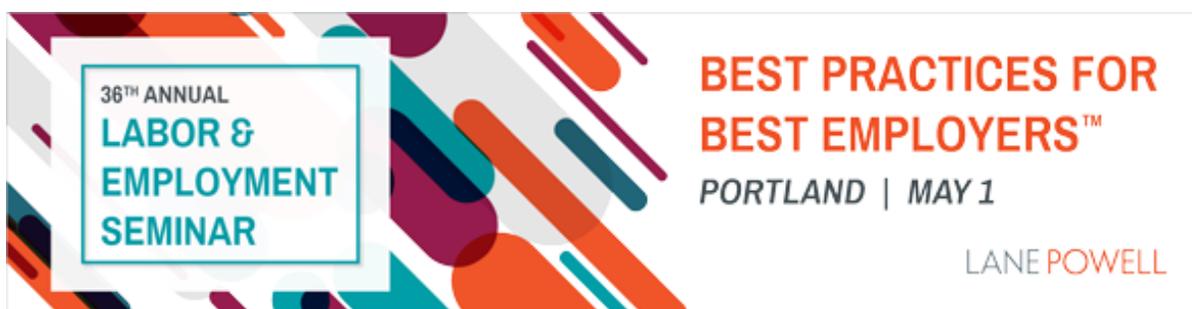
## LegalPlus Program



Did you know, by being an OBI member you can get free legal advice? OBI and Innova Legal Advisors provides members 15 minutes of legal consultation each month through the LegalPlus program. Check it out by [clicking here](#). Or contact Bob Blackmore at Innova Legal Advisors: Phone: 503-479-7175; email: [Bob.Blackmore@innovalegaladvisors.com](mailto:Bob.Blackmore@innovalegaladvisors.com)



## Calendar of Events



OBI is one of the sponsors for the 36<sup>th</sup> annual Best Practices for Best Employers labor and employment seminar put on by Lane Powell.

The event will cover important topics for employers and businesses, including drug testing, federal and state disability laws, immigration, privacy laws, employee benefits updates, new hire best practices, how to conduct an effective workplace investigation and new federal, state and local legal developments.

- When: Wednesday, May 1
- Where: The Duniway Portland

**Special Discount to OBI members:** As a benefit of your membership, you will receive a special discounted rate of \$50 (regular registration fee is \$110 prepaid online, or \$130 at door). To get the discounted \$50 registration rate for the seminar, register online and enter the code **OBIMEMBER** when prompted at checkout.

For more information and to register, please visit the [event website](#).

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