

OREGON
BUSINESS
& INDUSTRY



In View: Employment



Regulatory Updates



Gov. Brown considers taking SAIF funds to pay down PERS

Gov. Kate Brown is considering diverting funds from SAIF to pay down the unfunded liability in the Public Employees Retirement System, according to a Monday Oregonian article.

OBI is staunchly against this tactic.

The Oregonian obtained public records indicating Brown is considering selling SAIF and using \$1.4 billion of its capital surplus to pay down the \$26.6 billion PERS unfunded liability. To read the full article, [click here](#).

The idea was [considered in 2017](#), when a task force recommended several strategies, including directing about \$500 million of SAIF capital to PERS per biennium. [OBI was against the move then, too](#). We believe SAIF's assets, funded by employer premiums, belong to those employers throughout Oregon, not to backfill PERS costs only for government workers.

Oregon voters have said they value SAIF, too. In 2004, 60 percent voted against [Measure 38](#), which sought to abolish SAIF.

LegalPlus program

Did you know, by being an OBI member you can get free legal advice? The LegalPlus program is a partnership between OBI and Innova Legal Advisors that provides members 15 minutes of legal consultation each month.

“Our attorneys are experienced in Oregon business law and practices, employment issues and labor relations, government relations, real property transactions, healthcare and HIPAA compliance, licensing, mediation, arbitration, and litigation,” the firm’s [website](#) states. LegalPlus can help in identifying legal issues and concerns, outlining general legal principals and elements that may apply to business challenges and recommending actions and direction moving forward.

Other subjects included in the consultation:

- Employment practices, laws and regulations
- Business advice and problem solving on corporate formation, structure, government relations, policies, mergers, buy and sell agreements and ownership issues
- Governance work with owners, boards of directors, shareholders, partners, and executive staff
- Money issues, credit management, creditors' rights, capitalization/recapitalization and banking
- Government / municipal law
- Health care, HIPAA, Medicare, Medicaid and the Affordable Care Act
- Construction contracting
- Technology agreements
- Real estate sales, purchase, and leases
- Property disputes
- Mediation, arbitration, and litigation

For more information, contact Bob Blackmore at Innova Legal Advisors: Phone: 503-479-7175; email: Bob.Blackmore@innovalegaladvisors.com.

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|  <p>The logo for Innova Legal Advisors PC features the word "INNOVA" in a large, serif font, with "LEGAL ADVISORS PC" in a smaller, sans-serif font below it. The text is centered between two stylized, curved shapes that resemble a crescent moon or a stylized 'C' shape, one in a dark grey color and one in a dark red color.</p> | <h3>Innova Legal Advisors, PC</h3> <p>We are an Oregon law firm that represents businesses, non-profit organizations, and public entities. Our attorneys offer practical solutions to legal challenges, informed by first-hand experience in operations and management and over 75 years of combined legal experience. By appropriately leveraging technology, we provide each client with efficient, cost effective, and responsive legal services.</p> |
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Workers Compensation

[HB 2087](#), changes caps on civil penalties for workers compensation violations. Proposed by the Workers' Compensation Division (WCD), HB 2087 was prompted by some providers' pattern of violating WCD regulations. The original proposal increased penalties from \$2,000 per violation to \$9,000 per violation and increased the annual maximum accumulated penalties to \$180,000. OBI and member Liberty Northwest negotiated with WCD for an [amendment](#) that reduced the per incident penalty maximum to \$4,000. The annual maximum remains \$180,000. While we never want to see penalties increase, the vast majority of providers never run up against the current maximums of \$40,000 per year. Employers are not subject to the higher penalties.

The House Committee on Business and Labor held a public hearing for several bills, including HB 2087, on Feb. 18. [Click here](#) to see video of that hearing.

Workplace harassment

In the wake of the “Me Too” movement, legislators are working to create harsher penalties for harassers and employers and form greater protections for those reporting discrimination or harassment.

Several bills have been introduced in an attempt to take a comprehensive approach to the issue of discrimination and harassment in the workplace, with particular focus on public officials.

- [SB 478](#) would eliminate the ability of politicians to use campaign funds for settlements and non-disclosure agreements for claims related to workplace harassment.
- [SB 479](#) would create a system for complaints against public officials and establish greater protections for volunteers as well as employees for workplace harassment.
- [SB 726](#) changes the time to file a complaint from one year to seven years and would make owners, partners and corporate officers personally liable for discrimination claims. That bill would also significantly narrow the circumstances in which non-disclosure agreements and severance payments are permitted.

Drug-free workplace

Both the House and Senate are addressing bills affecting employers’ ability to enforce drug-free workplace policies. OBI member Cristina Reyes, of Hoffman Construction, testified in opposition to [HB 2655](#) at the public hearing in the Capitol on Feb. 13. She previously testified on the Senate Bill, [SB 379](#). Though OBI and our members are following these bills, we do not expect either to become law.

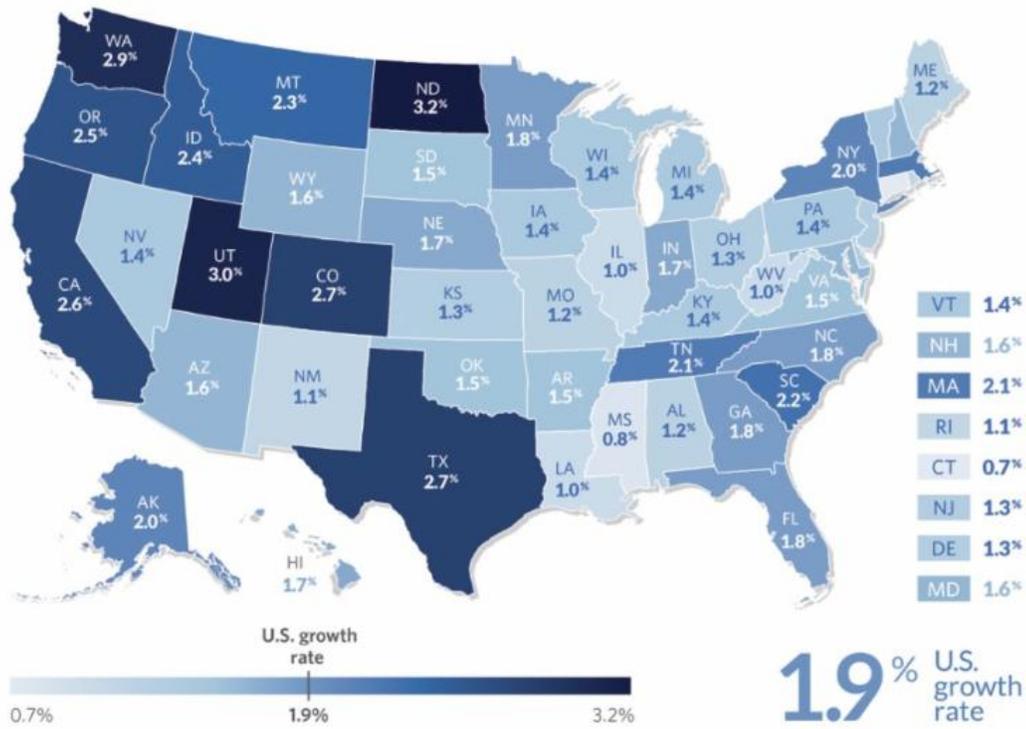


In the News

The PEW Charitable Trusts ranked Oregon in the nation personal income growth since the Great Recession in a recently released report. Oregon’s personal income rate has rose by 2.5 percent since 2009. [Click here](#) for the full article.

States' Personal Income Recovers Unevenly From Recession

Annual growth rate for inflation-adjusted personal income, Q4 2007 to Q3 2018



Source: Pew's analysis of data from the U.S. Bureau of Economic Analysis

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PEW defines personal income as a residents' paychecks, Social Security benefits, employers contribution to retirement plans and health insurance, income from rent or other property and benefits from programs such as Medicare and Medicaid.



Calendar of Events

February 28, 2019

OBI Lobby Day



Don't forget to register for OBI Lobby Day on Feb. 28. We have meetings scheduled with Reps. Smith-Warner, Fahey, Lively, Nathanson and Wilson, Sens. Baertschiger, Roblan, Hass, and Frederick and Speaker Kotek. Nik Blosser, Chief of Staff to Governor Kate Brown, will join us for lunch. Please join us! [Click](#) here to register.

May 7, 2019

Annual Meeting & Legislative Reception - SAVE THE DATE

Mark your calendars for OBI's Annual Meeting at the Salem Convention Center.



We invite all our members to join us as we bring together business and civic leaders to discuss issues important to business and industry in our state. Watch for registration and more details soon.



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Oregon Business & Industry
oregonbusinessindustry.com
1149 Court Street NE
Salem, OR 97301

