



Commissioner Brad Avakian  
Bureau of Labor and Industries

## COMMISSIONER'S MESSAGE – August 18, 2010

Dear Friends:

Yesterday presented decidedly mixed economic news: Oregon's unemployment rate continues to be troublingly high in spite of unexpected job gains in the construction and manufacturing sectors, while state economists anticipate revenues will be down again when they make an official revenue projection next week. Meanwhile, unemployment in Washington state went down and is now below the national average.

Some folks are upset, or worried, and I certainly respect those feelings. There really isn't any question that the sluggish economy is hurting Oregonians, and we know that continued economic hardship creates strains on personal relationships and is detrimental to our communities in spirit and compassion, as well as financially.

On the other hand, I can see a number of reasons to be optimistic about where we are headed. While the economy is having trouble gaining the momentum to roll upward, the downward momentum has abated. Private sector jobs are being added, both locally and nationally, although public sector lay-offs are hurting overall job gains. At least some employers are seeing the signs that they need to bring back or hire new workers.

I also look at attendance at BOLI's employer seminars. Attendance at the public seminars you see on our calendar has been strong, and the trainers from our TA program have also done 22 private, on-site seminars so far this year. Each of those on-sites represents one employer, or a group of employers like a local Oregon Employer Council, contracting with BOLI for whatever training they most need at whatever site they choose. Paying for an on-site, with the training customized to suit your business needs, is not the sort of thing that employers do just before lay-offs. These are employers who are investing in training for their employees so that they can be more effective going forward. Even the employers sending individuals to our public seminars fit this description: investing in training is an investment in the future of the business, which isn't the direction that employers would be going if they expected the economy to worsen.

Of course, my optimism is tempered with realism. I know as well as all my friends and neighbors that it will take time to get our economy back on a healthy track, because it went quite substantially off the rails less than two years ago. And it will take effort to get us back on track, because our economy isn't something that can be fixed by one individual or a few. But as we see all of the small signs of many individuals doing what they can to restore our upward momentum, there is room not only for optimism but ultimately for confidence. Even a "Great Recession" can't stall the American economy for long.

Sincerely,

A handwritten signature in blue ink that reads "B. Avakian".

Brad Avakian  
Oregon Labor Commissioner

*The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.*

## The Brad Tracker

**Where's he been?** August is a time for barbecue and picnicking. So far this month, Brad has: grilled some excellent barbecue chicken at the Marion County League of Conservation Voters' cook-off, attended Suzanne Bonamici's community picnic, met with the Co-Chairs of the Oregon Council on Civil Rights, spoke at the Solidarity Picnic at Oregon AFL-CIO's annual Summer School and joined the Urban League of Portland at a picnic celebrating their 65<sup>th</sup> Anniversary. He has also had several meetings with legislators and other officials on policy issues and next year's legislative session.



Brad at the grill, alongside Salem City Councilor Laura Tesler (center), and Marion County Clerk Bill Burgess (left).

**Where's he going?** In between trips out of state, Brad will be heading to southern Oregon to visit legislators there and attend an Oregon OLCV discussion hosted by Dr. Alan Bates, and will participate in Saturday's Multnomah Days Parade.

If your group is interested in having the Commissioner come to speak, send good contact information to [Donna.Brown@state.or.us](mailto:Donna.Brown@state.or.us). Staff will respond to your request in a timely manner, but please provide at least 2 weeks' notice if suggesting a particular date for the Commissioner's visit.

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## **BOLI going to court over Stanich's employee complaints**

*Portland employer denies wrongdoing in wage and hour, civil rights inquiries*

BOLI's Wage and Hour Division has determined that Stanich's, LLC, the operator of popular Portland restaurant Stanich's, owes unpaid wages, penalty wages and civil penalties for multiple violations of wage and hour law, totaling almost \$22,000. Stanich's has contested the determination and is demanding that BOLI bring the matter to a court hearing. Two former employees who are owed wages have also filed civil rights complaints alleging they were fired for opposing Stanich's illegal pay practices.

“The request for a court trial is the latest effort at stonewalling from a company that takes no responsibility for its poor employment practices,” said Labor Commissioner Brad Avakian, head of BOLI. “The Wage and Hour Division has built a strong case through diligent investigation, and has given Stanich's every opportunity to provide some evidence that they are complying with the law. This employer clearly wishes to pretend that violating state laws will have no consequences.”

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BOLI's investigator was repeatedly rebuffed by Stanich's in attempts to inspect the payroll documentation that the employer claims will show their compliance. When the investigator was able to meet with Stanich's attorney, no documents were available and it came to the investigator's attention that the required employment law postings were not displayed at the restaurant. Stanich's continues to deny any wrongdoing, despite statements from witnesses, including a former manager and a former bookkeeper, confirming that employees routinely went unpaid for hours worked.

"BOLI has accumulated substantial evidence of this employer violating wage and hour laws," Avakian continued. "We will continue to push for the thousands of dollars owed to these wage claimants, while thoroughly investigating the allegations of retaliation filed with the Civil Rights Division."

Oregon's Civil Rights Division, also a part of BOLI, investigates complaints or unlawful discrimination in employment, housing and public accommodations. Filing a wage claim and reporting information that indicates violation of a law are protected activities and the allegations against Stanich's are currently under investigation.

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## EMPLOYER SEMINAR NEWS

**TA Seminars:** TA is in the midst of an aggressive, statewide seminar schedule. For more on this series of seminars, [check out our release](#). If you have questions about any of these seminars, or TA seminars in general, please contact Donald at [Donald.DeMont@state.or.us](mailto:Donald.DeMont@state.or.us).

Besides the public seminars listed on the calendar below and on [TA's website](#), TA offers customized, on-site training for your business or organization. This is the most efficient way to train your managers and supervisors, or even your entire workforce, on the employment laws they need to understand. For information about this cost-effective option, contact TA Program Manager Jennifer at [Jennifer.Germundson@state.or.us](mailto:Jennifer.Germundson@state.or.us).

**PWR Seminars:** The Wage and Hour Division's Prevailing Wage Rate (PWR) Unit will be issuing its new schedule of PWR seminars for contractors/subcontractors and for contracting agencies soon. In addition to appearing in an upcoming edition of the Commissioner's Message, please check [the website](#) in late August for the new schedule.

Note that if you have a group of 10 or more, the PWR Unit is happy to set up a seminar just for you. Please contact Susan Wooley at (971) 673-0853, or [susan.k.wooley@state.or.us](mailto:susan.k.wooley@state.or.us).

## Upcoming BOLI Events

Date	Event Type	Location	Subject	Contact
Aug. 20	Statewide Closure	ALL BOLI OFFICES	Mandatory unpaid time-off for all staff	<a href="#">Oregon Furlough Information Site</a>
Aug. 24	TA Seminar	Lane Comm. College, Eugene	<a href="#">Employer's Guide to Civil Rights &amp; Workplace Harassment</a>	TA Program @ 971-673-0825
Aug. 24 & 25	TA Seminar	RCC/SOU Higher Ed. Ctr., Medford	<a href="#">Leave Laws in Oregon: A 2-Day Training</a>	TA Program @ 971-673-0825
Aug. 26	TA Seminar	Umpqua Comm. College, Roseburg	<a href="#">Wage and Hour Laws</a>	TA Program @ 971-673-0825
Aug. 26	TA Seminar	Portland State Office Bldg.	<a href="#">Wage and Hour Laws</a>	TA Program @ 971-673-0825
Sept. 15 & 16	TA Seminar	Lane Comm. College, Eugene	<a href="#">Leave Laws in Oregon: A 2-Day Training</a>	TA Program @ 971-673-0825
Sept. 16	OSATC Quarterly Mtg	Crater Lake ETC, Central Point	<a href="#">State Apprenticeship and Training Council</a>	Appr. Div. @ 971-673-0760
Sept. 17	Statewide Closure	ALL BOLI OFFICES	Mandatory unpaid time-off for all staff	<a href="#">Oregon Furlough Information Site</a>
Sept. 21 & 22	TA Seminar	Chemeketa Comm. College, Salem	<a href="#">Employee Supervision: A 2-Day Basic Training</a>	TA Program @ 971-673-0825
Sept. 28	TA Seminar	Portland State Office Bldg.	<a href="#">Advanced Leave Laws</a>	TA Program @ 971-673-0825
Sept. 30	TA Seminar	Clatsop Comm. College, Seaside	<a href="#">Wage and Hour Laws</a>	TA Program @ 971-673-0825

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