

BUREAU OF LABOR AND INDUSTRIES (BOLI)
COMMISSIONER BRAD AVAKIAN

Commissioner's Message – December 28, 2011
On the eve of another great year

Dear Friends:

Wrapping up 2011, I have to say thank you to all those who contributed to a big year for labor and industries in the state of Oregon. As we look forward to 2012, now only days away, I am very excited about all of the efforts that will be coming to fruition in the New Year. Briefly, I want to highlight a couple of accomplishments and how they help set the stage for an even better year in 2012.

Of course, my highest priority as Labor Commissioner has been the restoration of career and technical education (CTE) options in our public schools. This year, the legislature committed \$2 million to a grant fund supporting that important effort, which brings together business and labor interests as well as the educational community, to move us toward an Oregon where every student has access to high-quality CTE options that teach emerging or in-demand job skills. Stories like the one about [Hillsboro High School's auto shop program](#) have been too frequent in recent years and show us exactly why a concerted statewide effort is needed to preserve and ultimately restore these invaluable programs. I want to thank Glenn Campbell and Don Domes for what they're doing to support CTE in Hillsboro, and the other teachers and concerned citizens around the state who are keeping great programs going in their communities, and let you know that help is on the way. I am so excited to begin awarding grants this spring for programs during the next school year. Please [share information about the grant program](#) with the schools and school districts that you think might be interested. I look forward to seeing a lot of thoughtful proposals come in by the February 10 deadline.

On January 1st, [several new laws](#) will take effect and the state minimum wage will increase to \$8.80 per hour. One especially important victory for Oregon workers this year is the new law allowing workers who receive paychecks that bounce to recover damages from their employer via BOLI's wage claim process. Cases of [employers paying their workers with bad checks](#) came to the forefront during this recession, and I was pleased to work with the legislature [to ensure that workers don't end up on the hook](#) for overdraft charges and other costs with only limited recourse available to them. Now workers who've gotten bounced paychecks will be able to recover their wages and damages for the bad check in one legal process, rather than having to pursue a small claims action or hire an attorney. As I have mentioned before, this kind of common sense system is also a win for law-abiding employers, who should never be forced to compete against a business that doesn't take its responsibilities as seriously as everyone else.

As BOLI continues its wide range of important efforts to develop a stronger workforce, defend the rights of workers and enforce civil rights laws, I also want to highlight a new program being added to our repertoire of services from the Technical Assistance for Employers Program: the New Supervisor Training Series.

TA's newest offering is a one-morning-per-month program of six seminars (just three hours each) covering the critical skills and knowledge needed to supervise workers in Oregon. Targeted at both recently hired managers and workers looking to sharpen their skills for future positions, the New Supervisor Training Series represents a modest investment, both in time and dollars, in the success of your front-line supervisors—who are often your best line of defense against damaging complaints and lawsuits. The first session of the program is coming up in late January, so [submit registrations today](#).

While there's always temptation to start coasting after hitting a rhythm of success, BOLI is going to continue all ahead full in the coming year, adding [more new resources from TA](#) and strengthening our enforcement efforts against egregious violators of civil rights and employment law. Stay tuned to this newsletter for more on all of BOLI's work and, as always, don't hesitate to send me your thoughts about the job that we're doing.

Sincerely,

Brad Avakian

PWAC management vacancies to be filled by Labor Commissioner appointment

Commissioner Avakian is seeking statements of interest from potential appointees to Oregon's Prevailing Wage Advisory Committee (PWAC). PWAC was created by legislative action in 2003, with the Commissioner of Labor and Industries appointing representatives from management and labor in the building and construction industry who perform work on public works contracts, as well as interested public individuals. The committee is charged with advising the Commissioner on matters relating to prevailing wage rate law.

Commissioner Avakian is looking to appoint three new management (including public employer) representatives to the committee. Interested parties should provide a letter describing their background and interest in prevailing wage via mail to [BOLI's Portland headquarters](#) (Attn: Christie Hammond). Letters can also be [submitted electronically](#).

New Year Brings Changes in Employment Laws

New minimum wage also begins Jan. 1

The new grant fund to support career and technical education (CTE) in Oregon schools headlines a number of changes to the labor and employment landscape of the state that take effect on January 1, according to summary materials released by the Bureau of Labor and Industries (BOLI). Commissioner Avakian highlighted some of the changes:

The establishment of the Career and Technical Education Revitalization Grant Fund represents a huge victory for Oregon's economy. Even more immediately, we'll see the impact of important legislation strengthening our veterans' preference and uniformed service protections, ensuring protected leave for jury service and victims of harassment, and empowering BOLI to help workers recover damages when their paychecks bounce. Workers can contact BOLI's Civil Rights and Wage and Hour Divisions to get answers to their questions, while the Technical Assistance for Employers Program can assist any Oregon employers with their questions.

Oregon's minimum wage rate is also changing, increasing to \$8.80 per hour starting January 1. Employers can obtain the required minimum wage posters FOR FREE, in both English and Spanish, on [BOLI's website](#).

Avakian's highlights include:

- HB 3362 – promoting statewide cooperation for CTE programs and establishing a grant fund
- SB 277 – guaranteeing veterans' preference points in promotions as well as initial hiring
- HB 2241 - ensuring that Oregon employment law protects all uniformed service members
- HB 2828 and 3034 – protecting employees' insurance and leave benefits during jury service
- HB 3482 – adding victims of harassment to employment protections for victims of domestic violence, sexual assault and stalking
- HB 2039 – allowing employee to recover damages through BOLI for receiving “bounced” paychecks

Additional information about specific bills and a comprehensive list of employment-related laws enacted by the Oregon legislature in 2011 can be found in [BOLI's online summaries](#).

BOLI tracks employment-related law changes as a function of its Technical Assistance for Employers Program (TA), which is the state's primary education and information resource for employers. TA helps employers to comply with civil rights and employment laws and prevent unnecessary worker complaints through both free and low-cost [resources available online](#), by phone (971-673-0824) and at [public and private training seminars](#).

Avakian Honors Outstanding Oregon Employers

BOLI chief names 2011 champions in civil rights and workforce development

PORTLAND- Today, State Labor Commissioner Brad Avakian, head of the Oregon Bureau of Labor and Industries (BOLI), presented the 3rd Annual BOLI Business Leadership Awards at BOLI's 27th Annual Employment Law Conference at the Oregon Convention Center. This year, two Oregon employers were recognized for their significant contributions to our communities and their embodiment of BOLI's mission: to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination. This year's honorees are:

Civil Rights Champion – Hawthorne Auto Clinic of Portland

Hawthorne Auto co-owners Jim Houser and Liz Dally were nominated for their efforts to foster a more livable community. Houser's work to increase small business employees' access to healthcare and to provide career paths in mechanical fields for diverse youth, and Dally's support for Bradley-Angle House and leadership on workplace protections for victims of domestic violence, sexual assault and stalking—a civil right enforced by BOLI, coupled with their business commitment to the environment as a certified Eco-Logical Business, helped earn Hawthorne Auto this year's Civil Rights Champion award.

Workforce Development Champion – SE Works of Portland

For 14 years, SE Works has helped build positive connections between job seekers and employers. The extraordinary efforts of SE Works to assist job seekers, especially low-income, multi-barriered individuals, in seeking and applying for jobs

have also translated to strong relationships with employer who will reach out to SE Works when they need reliable help. The range of services and programs offered by SE Works helped to set them apart as this year's Workforce Development Champion.

"The bar for one of our awards gets higher every year," Avakian said. "Our champions represent the most compelling stories from our pool of nominees, and we want to keep hearing these stories. That's why I'm officially opening nominations for the 2012 Business Leadership Awards today with a new, simplified process that will make it even easier to submit nominations."

From now through October 1st, nominations can be submitted by anyone at anytime, just by emailing BizAwards.BOLI@state.or.us with:

- The nominator's name and contact information;
- The nominated employer, including their website and a contact person and reliable contact information; and
- How the nominee has demonstrated leadership in its commitment to fair workplaces, protecting civil rights in the community and/or developing a stronger workforce.

Avakian created the BOLI Business Leadership Awards in 2009 to recognize the good work that Oregon's employers do every day for the community, their workers, and the future of Oregon's economy.

BOLI Investigation Leads to Formal Charges against Typhoon!

Bureau of Labor and Industries seeks at least \$250,000 per aggrieved employee

BOLI has issued formal charges of civil rights violations against Typhoon!, Inc., and will seek at least a quarter-million dollars on behalf of each Thai employee subjected to unlawful employment practices by the restaurant chain. Oregon's Civil Rights Division [announced in May](#) that investigators found substantial evidence that Typhoon used its leverage over workers recruited from Thailand to impose lower pay, longer hours and unfavorable contract terms that were not faced by non-Thai employees.

"Equal pay for equal work is a fundamental right in our workplaces," said State Labor Commissioner Brad Avakian, who [initiated the investigation](#) of Typhoon's practices. "The evidence shows that Typhoon paid one class of workers less than another because of their national origin. BOLI will always take action to stop that kind of injustice."

Several Thai workers contacted Avakian in 2010. They had left their homes and families in Thailand based on Typhoon's promises of a good job and fair wages. Instead they found themselves trapped in unreasonable contracts, receiving lower wages and working longer hours than their American counterparts who enjoyed better working conditions. Hearing their personal stories, Avakian invoked the Labor Commissioner's statutory authority to file a commissioner's complaint. A commissioner's complaint functions like any civil rights complaint filed with BOLI, but offers greater protection against retaliation because individual workers need not file in their own name.

BOLI's charges seek non-economic damages of at least \$250,000 for each E-2 visa employee discriminated against by Typhoon based on national origin. In addition, BOLI

has identified at least 11 Thai workers, employed under the E-2 visa program, who were unlawfully paid less than U.S. citizens for work as cooks in Typhoon's Beaverton, SW Broadway, NW Everett and Gresham locations. The charges seek wages to compensate those workers and any others similarly situated and also seek an order bringing their pay in line with their non-Thai co-workers.

The Typhoon case will be prosecuted before BOLI's Hearings Unit, with an administrative law hearing scheduled for May 15, 2012. Any final order in the case will be issued by BOLI Deputy Commissioner Doug McKean.

For a printable PDF of the Commissioner's Message, [click here](#)

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