

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Bureau of Labor and Industries

839-020

Agency and Division

Administrative Rules Chapter Number

Clarifies requirements relating to the provision of meal periods to employees

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Rules pertaining to meal and rest periods

Statutory Authority: ORS 651.060(4); 653.261

Other Authority:

Stats. Implemented: ORS 653.261

Need for the Rule(s): The rule amendment is needed to clarify that employees must be relieved of all duties for meal periods except in those cases where the employer can show that exceptional and unanticipated circumstances prevent the employee from being relieved from all duty. The amendment is also needed to clarify that those factors to be considered in determining an employee is prevented from receiving regularly scheduled meal and rest periods must pertain to the ordinary nature of work performed.

Documents Relied Upon, and where they are available: N/A

Fiscal and Economic Impact: None known. This proposed rule amendment clarifies and codifies the agency's interpretation of the current rule.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None known.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

It is estimated that there are approximately 95,494 small businesses with fewer than 50 employees in Oregon. Because the current rules pertaining to rest and meal periods already apply to these businesses, it is not expected that these rule revisions will result in any increased compliance costs to small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None known.

c. Equipment, supplies, labor and increased administration required for compliance:

None known.

How were small businesses involved in the development of this rule?

It was not deemed necessary to involve "small businesses" in the development of this rule since the proposed amendment clarifies/codifies the agency's interpretation of the current rule.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: It was not deemed necessary or appropriate to form/consult with an advisory committee regarding this rule since the amendments clarify an existing rule.



Signature

Brad Avakian

Printed name

May 5, 2008

Date