

Secretary of State

Corrected #2

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, Wage and Hour Division

839

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Proposed rules implementing requirements for employee rest periods for expression of breast milk.

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

Implementing statutory amendments requiring employers to provide rest periods for employees to express breast milk.

Statutory Authority: Oregon Laws 2007, Chapter 144, Section 1 (11)

Other Authority: HB 2372, Oregon Legislature 2007

Stats. Implemented: Oregon Laws 2007, Chapter 144 (amends ORS 653.077)

Need for the Rule(s): The newly enacted requirements for employers to provide rest periods to employees needing to express breast milk during work time to feed their infants, are complex and many details are not provided by the legislation. The bureau has enforcement jurisdiction over the new law, and is specifically statutorily required to enact rules to implement and enforce it.

Documents Relied Upon, and where they are available: HB 2372, 2007 Oregon Legislature, attached.

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Fiscal Impact:

The proposed rules are statutorily required in order to implement newly enacted law. There is no negative fiscal impact of the proposed rules on the bureau, because the law which they implement is already enacted and the bureau already has enforcement jurisdiction over the subject law.

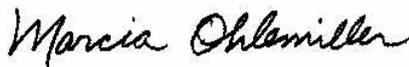
The newly enacted law applies to Oregon employers of 25 or more employees, including state and local government employers. Oregon Employment Department information indicates that there are 532 state and local government employers in Oregon with 25 or more employees. There is no anticipated negative fiscal impact of the proposed rules on these employers, because the law which the proposed rules would implement is already enacted. The fiscal impact of the proposed rules on those government employers is expected to be positive because the proposed rules would clarify the law already enacted, making it less likely that covered employers will inadvertently violate the law.

Economic Impact: Oregon Employment Department information indicates there are approximately 9,192 private employers of 25 or more employees in Oregon. These employers will potentially be affected by the law, and would be affected by the proposed rules. The economic impact of the rules on those employers is likely to be positive because the proposed rules would clarify the law already enacted, making it less likely that covered employers will inadvertently violate the law.

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

Small business representatives are being asked to serve on the Rule Advisory Committee.

Administrative Rule Advisory Committee consulted?: yes



Marcia Ohlemiller

September 13, 2007

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2005