

Secretary of State
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

Agency and Division

Administrative Rules Chapter Number

Proposed rules clarifying that complaints under ORS 654.062 need not be notarized written complaints.

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

In the Matter of:

New and amended rule language to conform complaint procedures with the Oregon Safe Employment Act.

Statutory Authority:

ORS 659A.805

Other Authority:

659A.820

Stats. Implemented:

ORS 654.062 & 659A

Need for the Rule(s):

The temporary rules will revise rules stating that complaints filed under OSEA are required to contain the notarized signature of the complainant. The temporary rules will remove language indicating that complaints filed under OSEA must be filed with a notarized signature from the complainant. This distinction is necessary to permit complainants to file a complaint under OSEA within the 90 days required by statute without obtaining a notarized signature.

Documents Relied Upon, and where they are available:

ORS 654.062, available in ORS publications.

Fiscal and Economic Impact:

No fiscal or economic impact is anticipated as a result of the proposed rules and amendments. The laws that the proposed rules would implement are in current statutes and fiscal or economic impact, if any, would result from those laws.

Statement of Cost of Compliance:

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

State agencies and units of local government will be subject to rules implementing ORS 654.062 and chapter 659A. Fiscal or economic impact would result from those laws, and not the proposed rulemaking. A positive impact is anticipated for the public, expanding protections for employees who file complaints of retaliation based on health or safety complaints.

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

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

Oregon discrimination laws apply to all businesses. The Employment Department estimates that 107,103 small businesses may be subject to the proposed rule amendments.

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

No new reporting, recordkeeping, or other administrative costs of compliance are required or anticipated because the proposed changes implement provisions of existing law.

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

No additional equipment, supplies, labor, or increased administration are required or anticipated under the proposed rules.

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

If not, why?:

Small business representatives are represented on BOLI's stakeholder mailing list.

Administrative Rule Advisory Committee consulted?: No

The proposed rule amendments and adoptions would implement statutory specifications over which BOLI has no discretion.

08-06-2012 Close of Business

Marcia Ohlemiller

Marcia.L.Ohlemiller@state.or.us

6-14-12 8:30 AM

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

Date Filed

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

ARC 925-2007