

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

New and amended rule language to conform to and implement statutes relating to veterans' employment.

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 to and implement statutes relating to veterans' employment.

Statutory Authority:

ORS 659A.805

Other Authority:

HB 2241, HB 3207, SB 72, SB 277, Oregon Legislative Assembly 2011.

Stats. Implemented:

HB 2241 (expands list of eligible uniformed services protected by discrimination statute), HB 3207 (requires public employers interview veterans qualifying for eligibility list), SB 72 (clarifies definition of disabled veteran), SB 277 (clarifies veterans' preference for promotions), Oregon Legislative Assembly 2011; ORS 408.225 to 408.235; ORS 659A.082.

Need for the Rule(s):

The proposed rules and amendments would implement newly-enacted statutes expanding and clarifying veterans' preference in public employment and veterans' employment rights.

Documents Relied Upon, and where they are available:

HB 2241 (expands list of eligible uniformed services protected by discrimination statute), HB 3207 (requires public employers interview veterans qualifying for eligibility list), SB 72 (clarifies definition of disabled veteran), SB 277 (clarifies veterans' preference for promotions), available on the Oregon Legislature website; ORS 408.225 to 408.235; ORS 659A.082, 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 new enacted and newly amended laws that the proposed rules would implement are in current statutes or will be on January 1, 2012 and fiscal or economic impact, if any, would result from those laws. There is potential positive fiscal or economic impact for public or private employers because the proposed rule amendments would implement and clarify laws already enacted, making it less likely that covered employers will inadvertently violate the 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 HB 2241, HB 3207, SB 72, and SB 277. Fiscal or economic impact would result from those laws, and not the proposed rulemaking. A positive impact is anticipated for the public, expanding opportunities for veterans in public employment.

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. In amending ORS 408.290 and 659A.082, HB 2241 aligns Oregon law with existing federal law, so no cost of compliance is anticipated for small businesses 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. Existing veterans' preference rules call for some additional recordkeeping, but the newly enacted laws are not anticipated to substantially increase this.

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?

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

If not, why?:

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

Administrative Rule Advisory Committee consulted?: Yes

<u>12-09-2011 Close of Business</u>	<u>Marcia Ohlemiller</u>	<u>Marcia.L.Ohlemiller@state.or.us</u>	<u>10-14-11 9:00 AM</u>
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.

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