

## **MINUTES OF MEETING**

### **Wage and Hour Commission**

Thursday, January 19, 2006, 11:00 AM  
Portland State Office Building  
800 NE Oregon Street, Room 1004  
Portland, Oregon

#### **1. CALL TO ORDER**

Commission Chair Jeff Anderson called the meeting to order at 11:00 AM.

#### **2. ROLL CALL**

##### Members Present:

Jeff Anderson, Chair  
John Fyre  
Kathy Nishimoto  
Jeff McDonald, Commission Member Elect

##### Staff Present:

Dan Gardner, Commissioner, Bureau of Labor and Industries  
Christie Hammond, Administrator, Wage and Hour Division (WHD)  
Marge Phelps, Operations Support Manager, WHD  
Karen Gernhart, Administrative Specialist, Child Labor Unit, WHD

#### **3. FOR THE GOOD OF THE ORDER:**

##### a. Introduction of New Commission Member/Goodbye to Jeff Anderson

Christie Hammond reported that Jeff McDonald has been appointed to replace Jeff Anderson on the commission effective January 20, 2006. BOLI Commissioner Dan Gardner expressed his appreciation to Mr. Anderson and presented him with a plaque commemorating his service on the commission from February 1, 1997 to January 19, 2006.

##### b. Election of Chairperson for 2006

Commissioner Kathy Nishimoto nominated John Fyre as chairperson of the commission for 2006. The commission unanimously voted in favor of this nomination, which Mr. Fyre accepted.

##### c. Consent Agenda

The minutes of the previous meeting of October 20, 2005 were unanimously approved as presented.

Staff summarized the temporary actions taken by staff since the commission's last meeting, which were unanimously approved except as modified below.

**Action:** Commission member Kathy Nishimoto expressed concern about the proposed employment of a minor three (3) years of age by Imaginize Video Productions, an entertainment industry business owned by the minor's parents. The members shared concern about what duties would be performed by the minor, particularly duties not in connection with entertainment productions. The commission directed staff to send a letter requesting that the employer provide a report of the dates and hours worked and actual duties performed by the three year-old prior to the commission's next meeting.

d. Correspondence

Staff reported that letters were sent to sixteen agricultural employers on October 25, 2005 as directed by the commission, advising of the commission's concern that the employers had failed to file required reports relating to the Special Overtime Permit for Minors Employed in Agriculture issued to each. The letter requested that the reports be filed no later than November 7, and further advised that failure to file the required reports may result in the commission's denial of future overtime permit applications. Staff reported that all but one employer, Eichler Brothers of Amity, had responded by submitting the required reports.

#### 4. REPORTS

a. Child Labor Unit Statistics

Staff reported that the Child Labor Unit issued a total of 786 annual Employment Certificates ("EC's") during the months of October, November, and December, 2005. Staff also reported that fiscal year-to-date (July – December, 2005), the unit issued a total of 2,395 EC's; 97% of the total number of EC's issued during this same period last year (2,477).

b. Workers' Compensation Injury Report

Staff reported that the August, September, October, and November, 2005 Workers' Compensation Division injury reports of "Claimants Under 18 Years of Age" had been reviewed since the last meeting, and summarized apparent violations and staff actions taken.

## **5. OLD BUSINESS**

### a. Lens Woodworking

Commissioner Kathy Nishimoto had requested additional details regarding the investigation of Lens Woodworking at the commission's October, 2005 meeting. Christie Hammond provided copies of the investigative report and advised the commission that the case had been closed after a civil penalty of \$2,000 was paid.

## **6. NEW BUSINESS**

### a. Proposed Child Labor Rule Amendments

Staff recommended that the commission take action to update a reference to the federal child labor hazardous occupations (pertaining to prohibited employment for minors under 18) in OAR 839-021-0104 and conform OAR 839-021-0102 (pertaining to prohibited employment for minors under 16) to adopt updated federal restrictions relating to cooking occupations.

**Action:** The commission members unanimously agreed to initiate the rulemaking process to adopt the rules. Ms. Hammond reported that unless public comments were received or a hearing requested, the commission should be able to take action to adopt the proposed rules at its next meeting.

## **7. NEXT MEETING DATE**

The commission's next meeting was scheduled for Thursday, April 20, 2006 at 11:00 AM. Future meetings were also scheduled for July 20 and October 19, 2006.

## **8. ADJOURNMENT**

Chair Jeff Anderson adjourned the meeting at approximately 12:00 PM.