



Commissioner Brad Avakian
Bureau of Labor and Industries

COMMISSIONER'S MESSAGE – July 14, 2010

Dear Friends:

You have probably heard by now that the BOLI charges against John Minnis and the state Department of Public Safety Standards and Training have been withdrawn. The withdrawal came after a settlement was reached, based on Jane Doe's desire to close the matter.

While BOLI was prepared to prosecute the case based on the results of the Civil Rights Division's investigation, I have nothing but respect for Ms. Doe's choice to conclude this episode and move on with her life. Having represented workers in similar cases, I appreciate how distressing this whole experience has been for her and her family, and I hope for all the best for them in the future. For more about the conclusion of this case, scroll down for a copy of BOLI's press release or [click here for highlights from the news coverage](#).

Speaking of news, I'd be remiss in not thanking State Rep. Betty Komp for her [kind words in the Woodburn Independent](#) last week. Her article followed our successful town hall on jobs and the economy late last month. I have to say, it's very humbling to be praised by a good friend like Rep. Komp, who has been a dedicated champion for working Oregonians and our school kids. It will actually be the effort by her and other legislators that brings a real strengthening of Oregon's workforce in the years to come, but I am very happy to help that effort and support my friends in any way that I can.

It will be a challenge to reinvigorate workforce development while our economy continues to struggle. The Oregon Employment Department announced yesterday that unemployment has remained essentially unchanged for the eighth month in a row, continuing to hover around 10.5% statewide. Although that number is troubling, if there is a silver lining it might be that this means many Oregonians without jobs are continuing to look for new ones, rather than becoming discouraged.

I think motivated workers, whether currently employed or not, are a good thing. People who want to work will either find a job or pursue the training or education they need to move into a new field. Our workforce system is trying to channel that momentum toward high-wage, high-demand jobs, and over time, especially with some strengthening, it will make an impact. I think a greater impact will be seen as we restore vocational/technical/career education (e.g., shop classes) to our middle and high schools and coordinate those programs with the high-wage, high-demand career paths. A lot of effort has already gone into forecasting the kinds of workers that will be most in-demand in coming years—we just need to get our current students on the right track and make sure that the workers who missed out on school-centered job exploration find their way to good jobs. Although ostensibly targeted to teens and 20-somethings, I think getting information out there through tools like <http://www.mypathcareers.com> is a good start for all our working people who need some direction.

Sincerely,

Brad Avakian
Oregon Labor Commissioner

The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.

The Brad Tracker

Where's he been? Already this month, Brad has kicked off special seminars about the new law on employer use of credit reports, participated in the Hillsboro Rotary Independence Day Parade, welcomed attendees to a special seminar on filing prevailing wage rate complaints, attended the graduation celebration for Emerge Oregon's Class of 2010 and had a special column on citizenship printed in the Oregonian.

Where's he going? Later this week, Brad will celebrate 26 years of marriage to his wife, Debbie, before heading east of the Cascades to speak to the Chambers of Commerce in Union County (Thursday morning), Heppner (Thursday noon) and Bend (Friday morning).

If your group is interested in having the Commissioner come to speak, send good contact information to Commissioner.Brad.Avakian@state.or.us. Staff will respond to your request in a timely manner, but please provide at least 2 weeks' notice if suggesting a particular date for the Commissioner's visit.

DPSST/Minnis Case Settles for \$450,000

Commissioner Avakian has announced that a settlement has been reached among Jane Doe, the State of Oregon Department of Public Safety Standards and Training (DPSST) and John Minnis, former Director of DPSST, over allegations of sexual harassment and disability discrimination. Oregon's Civil Rights Division, part of Avakian's Bureau of Labor and Industries (BOLI), had found substantial evidence that Doe suffered unlawful harassment and discrimination while working as Minnis' subordinate at DPSST. With the settlement concluded, Avakian will withdraw the formal charges pending against Minnis and DPSST.

"Jane Doe deserves this settlement and more after the harassment she endured," Avakian said. "I appreciate the strain that legal proceedings place on an individual and their family, and BOLI will respect Ms. Doe's wish to conclude this matter. Fortunately, Ms. Doe's terrible ordeal is now over and she can begin to heal from this experience."

Settlement terms call for \$450,000 in damages to be paid to Doe: \$65,000 from Minnis and \$385,000 from Oregon's risk management account. BOLI sought to prosecute the case on behalf of the state for \$2 million in damages for suffering caused by repeated sexual advances by Doe's supervisor, Minnis, including incidents in the office and on business trips. The egregious circumstances of the case compelled the agency to seek a significant damage award.

"This case clearly highlights why the Civil Rights Division's authority to defend civil rights and combat unlawful practices in employment extends to state agencies," Avakian said.

Avakian, who filed the official complaint against Minnis and DPSST in January, was notified on June 25 by Doe's attorney, Dana Sullivan, of a pending settlement agreement in a letter thanking BOLI for its efforts on Doe's behalf.

If civil rights violations in employment or public accommodations are alleged against a state agency, BOLI has the authority to prosecute the agency when investigators find substantial

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evidence of a violation. As required by state law, the Oregon Attorney General defends the agency's actions in those civil rights cases. In cases that do not settle, the Labor Commissioner has the power to issue cease and desist orders, award damages to the complainant and assess civil penalties.

Each year, the bureau fields over 25,000 civil rights inquiries and investigates approximately 2,000 civil rights complaints. For more about BOLI, visit <http://www.oregon.gov/boli>.

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Avakian Highlights New Law with Education for Employers

Commissioner Avakian marked the effective date of new restrictions limiting employer use of credit reports (July 1) by welcoming employers to two free sessions of a special seminar on the topic in Portland. Both sessions were filled to capacity with owners, managers, human resources professionals and attorneys looking to get a full picture of the new law and administrative rules that prohibit most employers from using an applicant's or employee's using credit histories in employment decisions.

"It's great to see this level of attention being paid to the new law," Avakian said at the seminars. "Even more impressive was that we had so many voices, both from employers and worker advocates, contribute to BOLI's rulemaking on this subject. That range of input helped us to craft a balanced, common-sense standard that both working people and employers can understand."

Today is the effective date for both the new law ([Senate Bill 1045](#)) and [BOLI's administrative rules](#). BOLI filed implementing rules on June 1st, a full month before the effective date of the new law. Early completion of these rules allowed employers time to familiarize themselves with the new provisions and also allowed BOLI's Technical Assistance for Employers Program to make educational resources available well in advance of the effective date. The educational effort was capped off with two free seminars today that both stretched maximum occupancy for the room available.

Of primary interest to employers attending today's seminars was the exemption allowing the use of credit histories if such information is "substantially job-related." As the state's civil rights enforcement agency, BOLI was tasked with defining "substantially job-related" through agency rule and employers were eager to get a better understanding of what this new standard means. Many attendees expressed positive feedback, including a firm understanding of the "substantially job-related" rule.

Materials from the seminars, and additional information about the new law, are available now at <http://www.oregon.gov/BOLI/TA/index.shtml>.

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Upcoming BOLI Events

Date	Event Type	Location	Subject	Contact
July 15	TA Seminar	Chemeketa Comm. College, Salem	Payroll Issues	TA Program @ 971-673-0825
July 19 & 20	TA Seminar	Portland State Office Bldg.	Employee Supervision: A 2 Day Basic Training	TA Program @ 971-673-0825
July 19	TA Seminar	Lane Comm. College, Eugene	Wage and Hour Laws	TA Program @ 971-673-0825
July 22	OCCR Mtg.	Portland State Office Bldg.	The Co-Chairs are developing the agenda	Civil Rights @ 971-673-0764
July 27	TA Seminar	Portland State Office Bldg.	Employer's Guide to Civil Rights & Workplace Harassment	TA Program @ 971-673-0825
Aug. 3 & 4	TA Seminar	Bend TBA	Leave Laws in Oregon: A 2-Day Training	TA Program @ 971-673-0825
Aug. 4	PWR Seminar	ODOT HR Trng. Center in Salem	Prevailing Wage Rate Laws for Contractors	PWR Unit @ 971-673-0838
Aug. 10	TA Seminar	Portland State Office Bldg.	Leave Laws in Oregon	TA Program @ 971-673-0825
Aug. 10	PWR Seminar	Portland State Office Bldg.	Prevailing Wage Rate Laws for Contractors	PWR Unit @ 971-673-0838
Aug. 11	TA Seminar	Tillamook Bay Comm. College	Effective Supervisory Practices	TA Program @ 971-673-0825
Aug. 18	TA Seminar	Chemeketa Comm. College, Salem	Recordkeeping Requirements	TA Program @ 971-673-0825
Aug. 24	TA Seminar	Lane Comm. College, Eugene	Employer's Guide to Civil Rights & Workplace Harassment	TA Program @ 971-673-0825
Aug. 24 & 25	TA Seminar	RCC/SOU Higher Ed. Ctr., Medford	Leave Laws in Oregon: A 2-Day Training	TA Program @ 971-673-0825
Aug. 26	TA Seminar	Umpqua Comm. College, Roseburg	Wage and Hour Laws	TA Program @ 971-673-0825
Aug. 26	TA Seminar	Portland State Office Bldg.	Wage and Hour Laws	TA Program @ 971-673-0825

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