

**LABOR and INDUSTRIES, BUREAU of**  
**Annual Performance Progress Report (APPR) for Fiscal Year (2007-2008)**  
**Proposed KPM's for Biennium (2009-2011)**

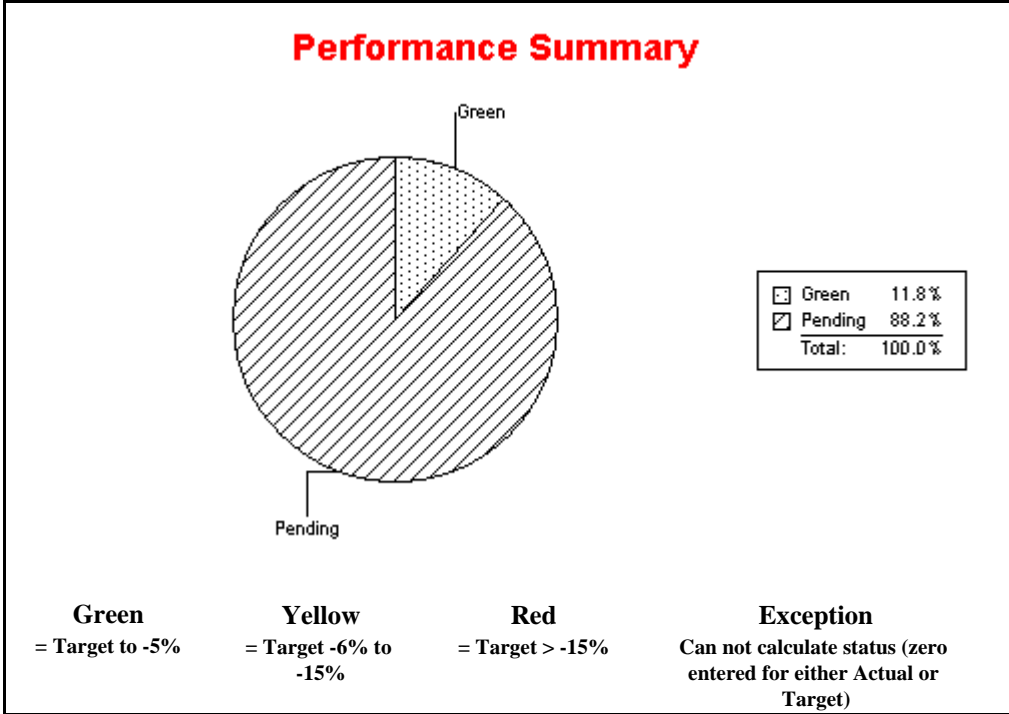
Original Submission Date: 2008

2007-2008 KPM #	2007-2008 Approved Key Performance Measures (KPMs)
1	CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.
2	CRD: Percentage of inquiries responded to within 2 business days.
3	CRD: Percentage of initial interviews conducted within 40 days.
4	CRD: Percentage of complaints fully investigated within 180 days (statute allows up to 1 year)
5	WHD: Percentage of minimum wage and overtime claims completed within 45 days.
6	WHD: Percentage of WSF claims processed within fewer than 30 days.
7	WHD: Percentage of PWR investigations completed within 90 days.
8	WHD: Percentage of migrant/seasonal farm labor workers' claims processed within fewer than 31 days.
9	ATD: Number of apprentices receiving journey level certificates.
10	ATD: Number of newly registered apprentices.
11	Apprenticeship Participation: Percentage of new apprenticeship participants who are minorities. [Merges proposed KPM #11 and #12]
12	Apprenticeship Participation: Percentage of new apprenticeship participants who are female. [Merges proposed KPM #11 and #12]
13	ATD: Number of newly registered training agents outside the Willamette Valley.

<b>2007-2008 KPM #</b>	<b>2007-2008 Approved Key Performance Measures (KPMs)</b>
14	HU: Percentage of final orders upheld on appeal to the Oregon Court of Appeals.
15	TA: Percentage of employer technical assistance calls or emails returned no later than the next business day.
16	TA: Percentage of public seminars conducted by TA with an average satisfaction rating of 4 or higher on a 5 point scale on the evaluations.
17	Prevailing Wage Rate Pre-determinations - Response time for requests by public agencies concerning potential coverage of projects under state Prevailing Wage laws.

<b>New</b> <b>Delete</b>	
	<b>Title:</b>  <b>Rationale:</b>

<b>LABOR and INDUSTRIES, BUREAU of</b>	<b>I. EXECUTIVE SUMMARY</b>
<b>Agency Mission:</b> 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.	
<b>Contact:</b> Doug McKean, Deputy Commissioner	<b>Contact Phone:</b> 971-673-0785
<b>Alternate:</b> Kate Newhall, Legislative Manager	<b>Alternate Phone:</b> 971-673-0786



**1. SCOPE OF REPORT**

The Bureau of Labor and Industries (BOLI) has three major divisions and two units. Performance measures are distinct for each division and include three for the Civil Rights Division (CRD), five for the Wage and Hour Division (WHD) and five for the Apprenticeship and Training Division (ATD). Performance measures also include one measure for the Hearings Unit (HU) and two for the Technical Assistance for Employers Unit (TA). WHD performance measures are further divided into programs or services including minimum wage and overtime, Wage Security Fund (WSF), Prevailing Wage Rate (PWR), and Migrant and Seasonal Farm workers (MSFW). The Commissioner’s Office (CO) and Fiscal/Information Service Unit (ISU) provide support for the divisions and units.

The agency's current performance measures place a heavy emphasis on the timeliness of service and division specific measurements. Sixteen of BOLI's seventeen measures are specific to one division or unit and do not measure agency wide performance very effectively. BOLI is in the process of proposing entirely new performance measures to better reflect the entire scope of the agency's work, including the timeliness of service customers receive, the quality of that service, and the level of customer satisfaction. Using the existing data, the new KMPs will attempt to measure overall agency functioning and performance as opposed to the fairly specific and limited measures currently in place for the agency. Although the diverse work of the divisions and units will merit division specific data collection and measurements, the new measures will attempt to show the division specific data in the context of agency wide performance.

## **2. THE OREGON CONTEXT**

The Bureau's goals, as described in the mission statement, relate to income security, workforce development and advancing employment opportunities. There are no overarching Oregon Benchmarks that reflect the specific missions of the agency. The Apprenticeship and Training Division has a compliance role for employers with training programs for apprentices. ATD also tries to offer technical assistance to those that seek to start or enhance training programs, but the division is not specifically staffed for this role. ATD has one link with Oregon Benchmark #1 - - the number of Oregonians who are employed outside the Willamette Valley. This is reflected in Key Performance Measure (KPM) # 13, relating to training committees started by employers outside the Willamette Valley, and the division is exceeding its target on this measure. The KPM also addresses the industry need for trained workers to ensure that a skilled and available workforce can fuel the economy. The Civil Rights Division and the Wage and Hour Division enforce laws that ensure that employees receive wages when due and are able to work in a nondiscriminatory environment. The Technical Assistance to Employers Unit's mission is to educate employers, emphasize compliance and avoid enforcement actions. TA is highly successful in achieving its performance measures. The Hearings Unit is the administrative adjudication arm of the agency, and its goal is to properly interpret and apply the laws BOLI is charged with enforcing as measured by the percentage of contested case decisions that are upheld on appeal by the courts.

## **3. PERFORMANCE SUMMARY**

The bureau is in the process of proposing entirely new performance measures, which are discussed throughout this document. The proposed new measures will incorporate many of the same goals and data currently included in BOLI's performance report, but will attempt to more accurately measure agency wide performance, including measures of timeliness, customer satisfaction, quality training, and quality investigations.

The bureau's successes in relation to its current performance measure goals include:

(1) The Apprenticeship and Training Division met or is making progress on its five performance measure goals. The division exceeded its targets for registering new apprenticeship agents outside of the Willamette Valley, the number of apprentices registering, and the number of female apprentices registering. ATD continues to make progress toward its target of increasing the percentage of minorities registering as apprentices in relation to the number of all apprentices.

(2) The Civil Rights Division exceeded two of its three performance measure goals and made significant progress in meeting its goals for timely investigations. Given the impact of new civil rights legislation on the workload of the division and continuing staff vacancy issues, it is significant that continued progress has been made on this goal.

(3) The Wage and Hour Division met three of its five performance measure goals. The division exceeded its two goals relating to Prevailing Wage Rate investigations and coverage determinations due to the addition of new staff by the Legislature. Although the division is making progress toward its goal relating to the processing of wage security fund claims and minimum wage claims, a closer inspection of the methodology used to set and measure these targets suggested that the division would be better served by a measure tracking the timeliness of case processing through the various stages of a claim. The division is working to identify better ways to track the processing of claims and ensure timeliness in each phase of a wage and hour complaint.

(4) The Hearings Unit exceeded its performance measure goal, although in FY 2008 only opinion was issued by the Court of Appeals on a final order issued by BOLI and appealed. Historically, however, BOLI has had a high percentage of its final orders upheld on appeal and between FY 2005 and FY 2008 100% of cases were upheld on appeal.

(5) The Technical Assistance for Employers Unit exceeded both of its performance measure goals and continues to perform highly.

(6) BOLI did not conduct a new customer survey during this fiscal year, and this accounts for the “unclear” result in the chart on the right.

#### **4. CHALLENGES**

BOLI's staffing levels have been reduced by approximately 32% over the past 12 years, from 159.02 FTE in 1993-95 to the 2007-2009 level of 111 FTE. These reductions occurred at the same time that the Oregon workforce was increasing by approximately 247,000 employees. The Bureau has dealt with the loss of staffing, and with shrinking resources that do not keep pace with inflation, by closing offices, reducing infrastructure and trying to maintain services wherever possible. The workload is primarily driven by the number of complaints the agency receives relating to wages and hours worked, terms and conditions of employment, and rights of workers to equal and nondiscriminatory treatment. The number of complaints has remained steady or increased over this period, and staff is expected to handle the same or growing workloads.

In addition, the 2007 legislature enacted a number of laws that have a direct impact on the workload of the agency: SB 2 made it unlawful to discriminate on the basis of their sexual orientation or gender identity in employment, housing, career schools, and places that serve the public; SB 822, the Veteran's Preference Act, requires public employers to give hiring preference points to veterans and disabled veterans; SB 946, the Oregon Crime Victims Leave Act, requires certain employers to give certain employees who are victims of a crime reasonable leave for counseling, court dates and other activities related to that person being the victim of a crime; HB 2372, the Expression of Breast Milk in the Workplace, requires certain employers to provide rest periods to employees needing to express milk (for a child under 18 months of age); and a number of substantive changes were made to the Oregon Family Leave Act. The division did not receive any additional funds to assist in the enforcement of these new laws and in fact lost revenue from lost contracts to enforce local non-discrimination ordinances, which are no longer necessary under SB 2.

## **5. RESOURCES AND EFFICIENCY**

BOLI has 55.2% General Funds, 6.6% Federal Funds, 27.9% Other Funds, and 10.2% Non-Limited Funds (Wage Security Fund). The agency's 2007-2009 legislatively approved budget contains \$22.843 million in total funds. This includes \$12.6 million in general funds, \$6.3 million in other funds, \$1.5 million in federal funds, and \$2.3 million in non-limited other funds. Funds are distributed to agency divisions as follows:

**Apprenticeship and Training Division:** For the 07-09 biennium, the ATD is supported almost exclusively with general funds in the amount of \$2.813 million. ATD has 18 approved FTE and a total funds budget of \$2.997 million.

- ATD receives a small amount of federal funds, \$83,676, to administer on the job training programs for veterans through the Veterans' Administration and \$99,892 in other funds to administer the Apprenticeship Integration Initiative to better expose high school students in learning about trades and skills through approved apprenticeship training centers.

**Civil Rights Division:** For the 07-09 biennium, the CRD has 31.25 approved FTE and is funded by \$2.785 million in General Funds; \$1.034 million in Other Funds; and \$1.185 in Federal Funds -- for a total funds budget of \$5 million.

- Federal funds come from a contract with the Equal Opportunity Commission which partially supports the costs of civil rights investigations where federal and state jurisdictions overlap.
- Other funds come primarily from OR-OSHA and the Injured Worker Benefit Fund to investigate allegations of discrimination against injured workers and contracts for the enforcement of local non-discrimination ordinances occurring before the statewide law took effect Jan. 1, 2008.

**Wage and Hour Division:** For the 07-09 biennium, the WHD has 34.75 approved FTE and a general fund budget of \$3.38 million, \$3.153 million in other funds and \$2.338 million in non-limited other funds. The Division's total budget is \$8.871 million.

- Other funds are derived primarily from farm/forest labor contractor licensing fees to support the farm/forest labor unit and assessments on

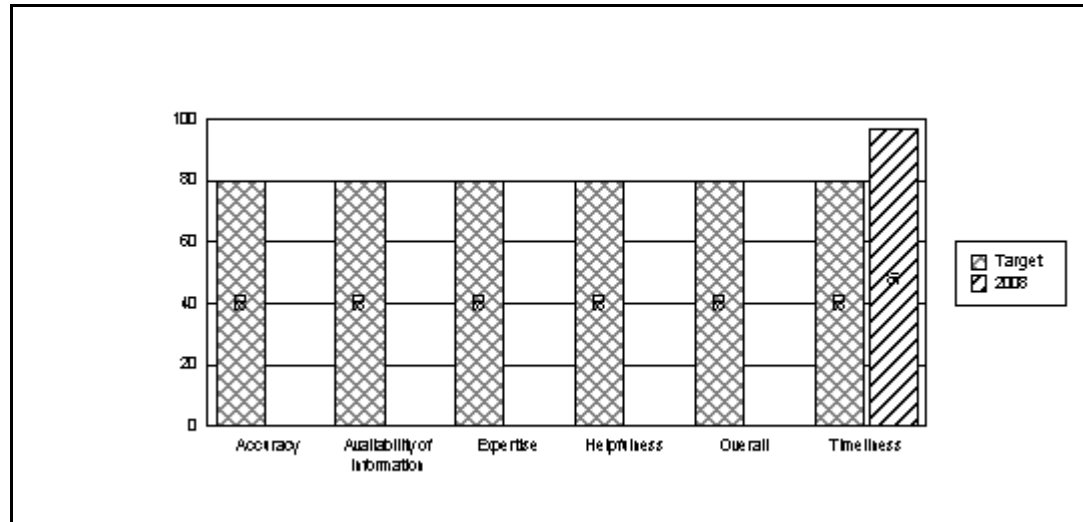
prevailing wage contacts to fund the prevailing wage unit.

- Non-limited funds come from the Wage Security Fund and are dedicated to the payment of final wages for employees whose employers cease operations and default on final paychecks. WSF revenues are derived from the diversion of a fractional percentage of unemployment taxes paid by employers each year that are deposited to the Wage Security Fund.

Commissioner's Office: For the 07-09, biennium the CO has a total budget of \$5.96 million and 27 FTE. The CO contains both the Technical Assistance for Employer Unit and the Hearings Unit and supports agency business services, legal policy, public information and intergovernmental affairs.

- The Technical Assistance for Employers Unit is funded with other funds derived from the sales of its publications and seminars for employers. The Unit has 7.00 FTE and an total other funds budget of \$1.53 million.
- The Hearings Unit is approved for 6.42 FTE and a total budget of \$1.3 million.
- The Business Services Unit has 9.05 approved FTE and a total budget of \$2.01 million.
- The Commissioner's Office has 4.53 approved FTE and a total budget of \$1.08 million.

<b>KPM #1</b>	CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	2006
<b>Goal</b>	Demonstrate a commitment to quality customer service.	
<b>Oregon Context</b>	Quality public service.	
<b>Data Source</b>	TA Customer Satisfaction Survey.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The strategy for this performance measure is to ensure that our technical assistance services are meeting employers' demands.

**2. ABOUT THE TARGETS**

The target was set for the overall goal of providing exemplary educational services.

**3. HOW WE ARE DOING**

Technical Assistance for Employers Unit (TA) is performing well above the target levels.

**4. HOW WE COMPARE**

This self-funded TA service is unique and the agency is unaware of similar programs in other states.

**5. FACTORS AFFECTING RESULTS**

This self-funded program regularly evaluates its performance so that it can maintain high quality services.

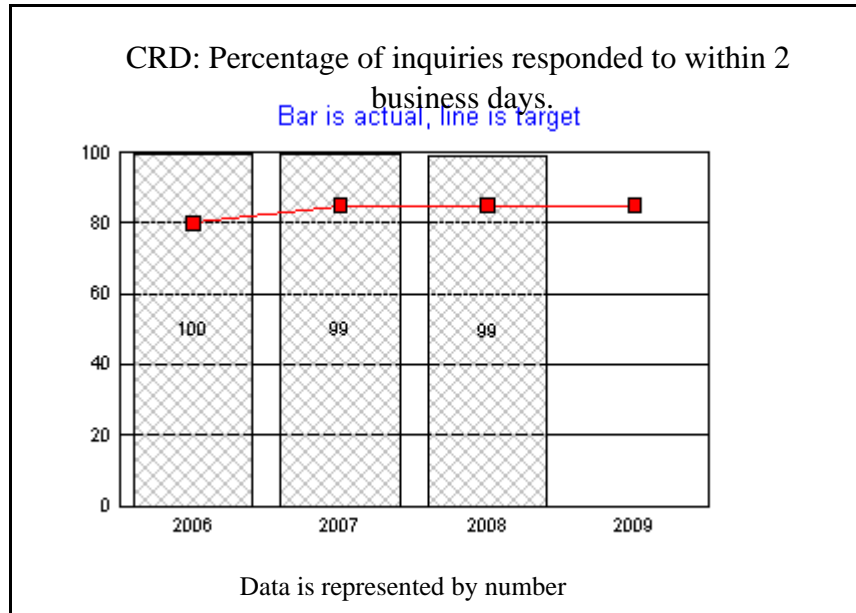
**6. WHAT NEEDS TO BE DONE**

TA will seek to improve its web based information services and work to revise and expand its programs.

**7. ABOUT THE DATA**

TA Seminar Survey. Data for July 1, 2007-June 30, 2008. Immediately following each seminar conducted by the TA Unit, attendees are asked to complete a customer satisfaction survey comprised of 9 questions. The responses from each seminar are averaged to calculate the average satisfaction rating for that particular seminar.

<b>KPM #2</b>	CRD: Percentage of inquiries responded to within 2 business days.	2004
<b>Goal</b>	Provide prompt response to inquiries on whether allegations may violate Oregon's civil rights laws.	
<b>Oregon Context</b>	Nondiscriminatory work environment.	
<b>Data Source</b>	Suntrack Relational Database.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The strategy is to make sure individuals know their rights by answering the inquiries of employees or others who believe they have been discriminated against as soon as possible. Often the individual calling has a need to know whether or not the individual's experience amounts to or may amount to a violation of the civil rights laws of the state of Oregon. It is critical to explain the difference between treatment that seems, and may

well be, unfair versus treatment that is unlawful or is a matter over which BOLI has jurisdiction. Responding to the individual telephone or walk in inquiries constitutes a core function of the agency's mission to protect employment rights and protect access to housing and public accommodations free from discrimination.

## **2. ABOUT THE TARGETS**

The rationale for the two-business-day target is that workplace and accommodations disputes often result in emotional stress, lost productivity, and hardships; the sooner there is an understanding of the rights of the employee and employer or the parties to a dispute, the better off all parties are in the long run. In FY 2007, this target increased from 80 to 85 percent.

BOLI is proposing the elimination of this measure and the incorporation of its data and goals into a single agency wide measure on timeliness and dispute resolution.

## **3. HOW WE ARE DOING**

CRD continues to exceed this target and considers this an exceptional achievement given insufficient staffing levels. Performance on this measure has steadily increased in the past three years and the number of inquiries has stayed fairly consistent. In FY 2008, the division responded to 29,440 phone and email inquiries and responded within two business days to 98.7% of these calls.

## **4. HOW WE COMPARE**

BOLI is unaware of any comparable standard, but good customer service standards in general provide that the quicker the response the better. Performance in this area has stayed consistently high, in 99.5% of calls were responded to within two business days in FY 2006, 99.4% in FY 2007, and 98.7% in FY 2008.

## **5. FACTORS AFFECTING RESULTS**

Staff absences and high turnover have made responding to inquiries within two days difficult at times. Improved tracking systems, however, have greatly improved performance and timeliness throughout the civil rights complaint process.

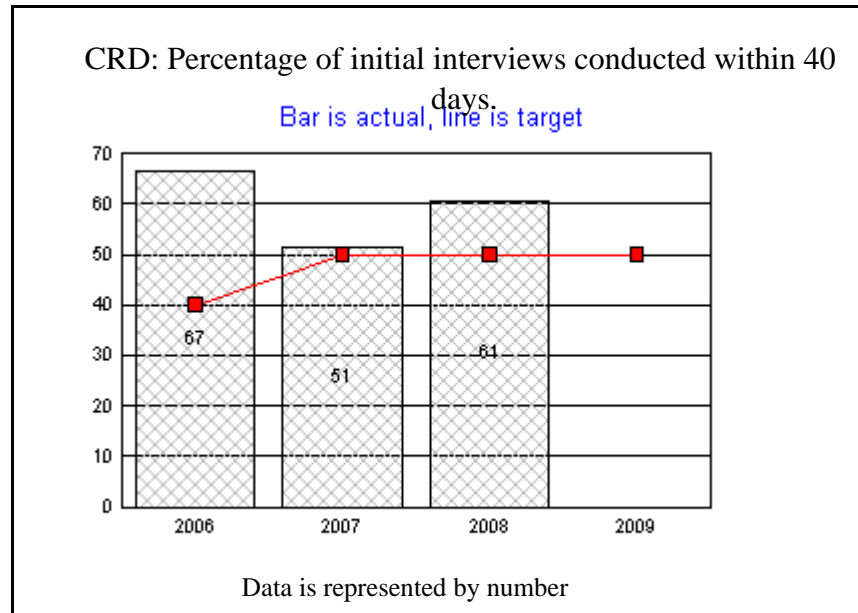
## **6. WHAT NEEDS TO BE DONE**

Ensure that there is trained and available staff to answer calls. Management will continue to monitor average response time and make system improvements to improve efficiency.

**7. ABOUT THE DATA**

Suntrack relational database. Data for July 1, 2007-June 30, 2008. Calls are logged in the database as they are received and assigned to intake staff for follow up. Dates and contacts notes are logged in Suntrack and assigned for appropriate further action. Time elapsed between initial call and return call is used to calculate the percentage of calls returned within two business days.

<b>KPM #3</b>	CRD: Percentage of initial interviews conducted within 40 days.	2005
<b>Goal</b>	CRD: Conduct interview with civil rights complainants quickly to determine if sufficient basis exists for full investigation.	
<b>Oregon Context</b>	Nondiscriminatory work environment.	
<b>Data Source</b>	Suntrack Relational Database.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

Before a civil rights investigation begins, a complainant (the person alleging discriminatory treatment) and the respondent (against whom the complainant is filing charges) must provide a formal position statement. After a formal charge and allegation has been drafted and filed with the division, the initial interview process includes an investigator obtaining: 1) a response to the complainant’s charge from the respondent (i.e. employer

or landlord) and a rebuttal from the complainant. Respondents are initially given two weeks to respond to the charges filed by the complainant and then rebuttal interviews are conducted with the complainant. Often respondents ask for extensions to respond to a complainant's allegations, and as a standard, BOLI will regularly grant up to 2 week extensions.

Conducting timely interviews is a critical component of civil rights investigations and achieving the agency's mission to protect employment rights and protect access to housing and public accommodations free from discrimination.

## **2. ABOUT THE TARGETS**

This target is based on an ideal and realistic timeframe to complete initial investigation reviews. It can take up to a month of this for respondents to provide a response to the initial charges. Since a large part of the investigation depends on these initial interviews, it is important that the division provide adequate time for the respondent and complainant to prepare thorough responses. The longer the respondent takes, the longer an investigator is delayed in conducting a rebuttal interview with the complainant. The 40-day window is an appropriate time to complete the initial interviews with complainants and respondents and is included in the goal of completing investigations within 180 days.

BOLI is proposing the elimination of this measure and the incorporation of its data and goals into a single agency wide measure on timeliness.

## **3. HOW WE ARE DOING**

CRD exceeded this target and has made significant progress in terms of initial interviews of complaints. Before the implementation of the new tracking system in 2005 and the re-assignment of staff, this initial interview goal was harder to meet. The new system allows staff and management to ensure that the majority of initial interviews are conducted within 40 days and performance has improved markedly; for the 2005-07 biennium the average time until initial interviews was 51 days. This has dropped to 28 days in FY 2008. Also of note, in FY 2007 this target increased from 40 to 50 percent.

## **4. HOW WE COMPARE**

The agency is not aware of any comparative data from other states, but improved its performance on this measure over last year significantly; in FY 2007, 51.3% of interviews were conducted in 40 days or less, compared to 60.7% in FY 2008.

## **5. FACTORS AFFECTING RESULTS**

Managers and staff continue to work with employers and their legal counsel to ensure that position statements are received within the first 40 days of opening cases. The new tracking system has significantly increased performance on this measure, but staffing levels and vacancies in the division have always affected performance and prevented achieving a faster initial interview timeframe.

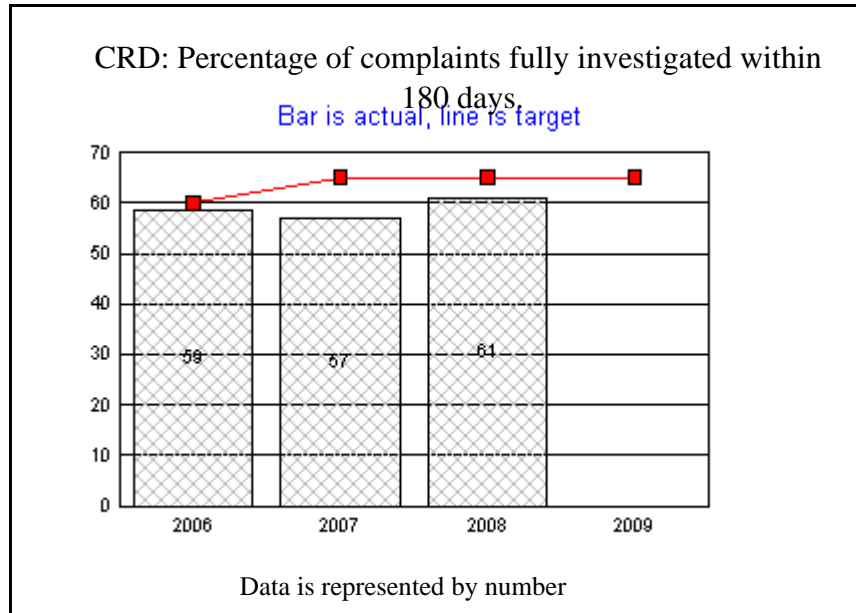
#### **6. WHAT NEEDS TO BE DONE**

The management team will address training issues to ensure timely data entry and continued improvement in this measure. It is critical that new staff receive appropriate training to ensure proper documentation and timely processing of initial interviews.

#### **7. ABOUT THE DATA**

Suntrack relational database. Data for July 1, 2007-June 30, 2008. Cases are logged in the database as they are assigned for investigation. Dates and contacts notes are logged in Suntrack and the time elapsed between the assignment of a case to an investigator and completion of the final rebuttal interview with the complainant is used to calculate the percentage of initial interviews conducted within 40 days.

<b>KPM #4</b>	CRD: Percentage of complaints fully investigated within 180 days (statute allows up to 1 year)	2005
<b>Goal</b>	CRD: Complete investigations to allow for a fair and timely resolution of the complaint.	
<b>Oregon Context</b>	Nondiscriminatory work environment.	
<b>Data Source</b>	Suntrack Relational Database.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The Civil Rights Division (CRD) seeks to conduct its investigations in a timely and fair manner as work-related disputes interfere with workplace relations and often decrease productivity. Investigations are conducted by CRD investigative staff that interview involved parties, witnesses and examine evidence during the course of their investigation of the complainant. Conducting prompt investigations is a core function of the division’s

mission of protecting employment rights and access to housing and public accommodations free from discrimination.

## 2. ABOUT THE TARGETS

While Oregon law allows up to a year for an investigation to be completed, CRD believes all parties benefit from quicker completion of investigations, as long as staff can maintain quality. The goal of the division is to conduct 65% investigations within 180 calendar days. The length of an investigation can depend on many factors including the complexity of the case, the cooperation from complainants and respondents, the number of witnesses, etc.

BOLI is proposing the elimination of this measure and the incorporation of its data and goals into a single agency wide measure on timeliness.

## 3. HOW WE ARE DOING

Inadequate staffing levels continue to make this target difficult to meet and, although the division improved its performance over last year, it did not meet this goal in FY 2008. The legislature approved an additional .75 FTE to add CRD investigative staff for the 07-09 biennium to improve performance in this area, but due to unbudgeted operations costs and personal service increases, the division has been forced to leave the position vacant to make up for these costs. Included in the 09-11 agency requested budget is a program option package to increase this additional position to 1 FTE and enable CRD to fill the position. Regardless, the division has made significant improvements and continues to make steady progress toward meeting this goal. Note that in FY 2007 this target was increased from 60 to 65 percent.

## 4. HOW WE COMPARE

Many states do not have a statutory one-year deadline for completion of investigations, and investigations can be prolonged in other states. Therefore, we do not have comparable targets from other states. The division did improve performance over last year, increasing the percentage of investigations completed in 180 days from 56.9% in FY 2007 to 61% in FY 2008.

## 5. FACTORS AFFECTING RESULTS

CRD has made steady improvements toward reaching this goal but with investigators carrying an average caseload of 54 cases, improving performance has been difficult. In addition, the 2007 legislature enacted a number of laws that have a direct impact on the workload of the civil rights division. SB 2 made it unlawful to discriminate on the basis of their sexual orientation or gender identity in employment, housing, career

schools, and places that serve the public. SB 822, the Veteran's Preference Act, requires public employers to give hiring preference points to veterans and disabled veterans. SB 946, the Oregon Crime Victims Leave Act, requires certain employers to give certain employees who are victims of a crime reasonable leave for counseling, court dates and other activities related to that person being the victim of a crime. In addition, a number of substantive changes were made to the Oregon Family Leave Act. The division did not receive any additional funds to assist in the enforcement of these new laws and in fact lost revenue from lost contracts to enforce local non-discrimination ordinances, which are no longer necessary under SB 2.

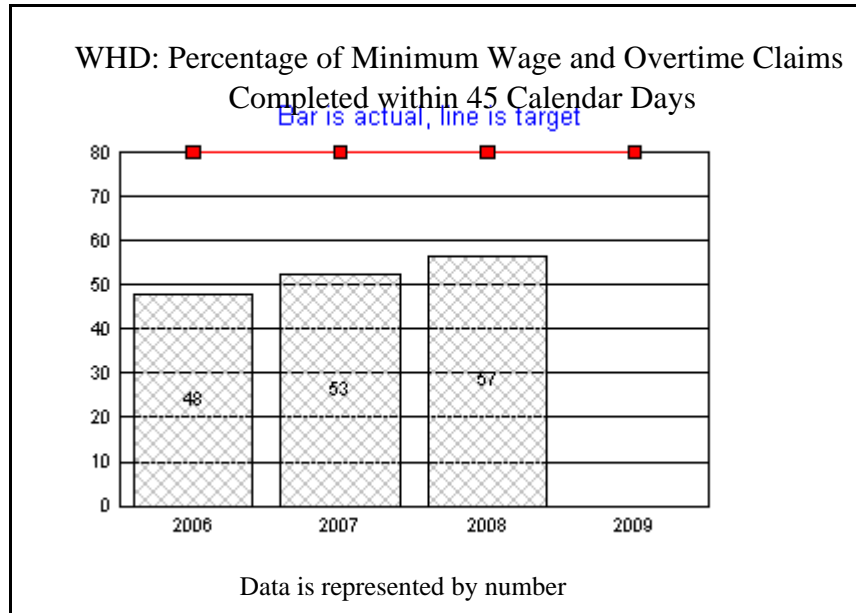
#### **6. WHAT NEEDS TO BE DONE**

CRD continues to explore ways to improve the timeliness of investigations. However, the decreased number of investigators over the past decade and the increasing number of protections enacted by the Legislature has hampered its ability to consistently meet this target while maintaining quality standards. Additional investigative staff and a reduced average caseload would decrease the average investigation time and the division's ability to meet this goal.

#### **7. ABOUT THE DATA**

Suntrack relational database. Data for July 1, 2007-June 30, 2008. Case assignments are logged in Suntrack with the date they are assigned to a specific investigator. Time elapsed between assignment of a case and the completion of the investigation is used to determine the length (in calendar days) of the investigation and is used to calculate the percentage of investigations completed within 180 days.

<b>KPM #5</b>	WHD: Percentage of minimum wage and overtime claims completed within 45 days.	2005
<b>Goal</b>	WHD: Prioritize resolution of allegations on unpaid minimum wage and overtime to minimize the impact of not being paid	
<b>Oregon Context</b>	Protect income security.	
<b>Data Source</b>	BOLI Suntrack Relational Database.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The Wage and Hour Division seeks to conduct prompt and fair investigations to resolve wage claims. Depending on the course of events, however, the length of a case can vary dramatically. For example, cases can involve lengthy investigation; if a company goes out of business during the course of the investigation, wage claims can become wage security fund claims. The processing time for these claims vary greatly in length and can go

though many phases depending on the particular circumstances. Because of the variations in case processing, many of which are beyond the division's control, it has been concluded that this measure doesn't provide a very accurate picture of performance in each phase of the case. New measurements will be incorporated into the agency wide measure on timeliness.

## 2. ABOUT THE TARGETS

The rationale for this measure is to try to promptly resolve wage claims for the lowest paid workers to provide the income security they need to support themselves and their families. In improving this particular measure of timeliness in resolving wage claims, the agency hopes to eliminate KPM #5 and break down the process of a wage claim to measure timeliness during each phase of a claim- from receipt of the claim, to initial contact with the employer, to being assigned for investigation and completing that investigation, to the eventual closure of the case, by payment/settlement of the claim, obtaining a judgment, a contested hearing, or paying the claim from the Wage Security Fund.

## 3. HOW WE ARE DOING

The division did not meet its target for the processing of minimum wage and overtime claims. Regardless, BOLI has continued to make steady improvements overall in the average time to process minimum wage and overtime claims and increased the percentage of claims processed within 45 days from 48.1% in FY 2006, to 52.5% in FY 2007, and 56.7% in FY 2008.

Overall timeliness in the processing of these cases continues to improve, but as discussed above, the methodology for this measurement and goal could be improved significantly. Instead of measuring timeliness on the entire life of a claim, management would be better served by a measure that broke down the goals of timeliness throughout the various phases of investigation. BOLI has begun an analysis of its case processing to identify appropriate targets for each phase of an investigation and is hopeful this new tracking system will enable management to identify precisely where goals of timeliness are not being met or could be improved.

## 4. HOW WE COMPARE

From information available to the WHD, no other states specifically measure the timeliness of processing minimum wage and overtime claims apart from other type of wage claims.

## 5. FACTORS AFFECTING RESULTS

Measuring a case from open to close isn't the most accurate way to gauge the timeliness of wage claim processing.

Performance generally, however, is hampered by the fact that the number of compliance specialists (not assigned to the farm labor unit or the prevailing wage unit) has been reduced to 3.75 FTE statewide, representing a monthly caseload of 56 wage claims per investigator, which is approximately twice the number that can reasonably be investigated.

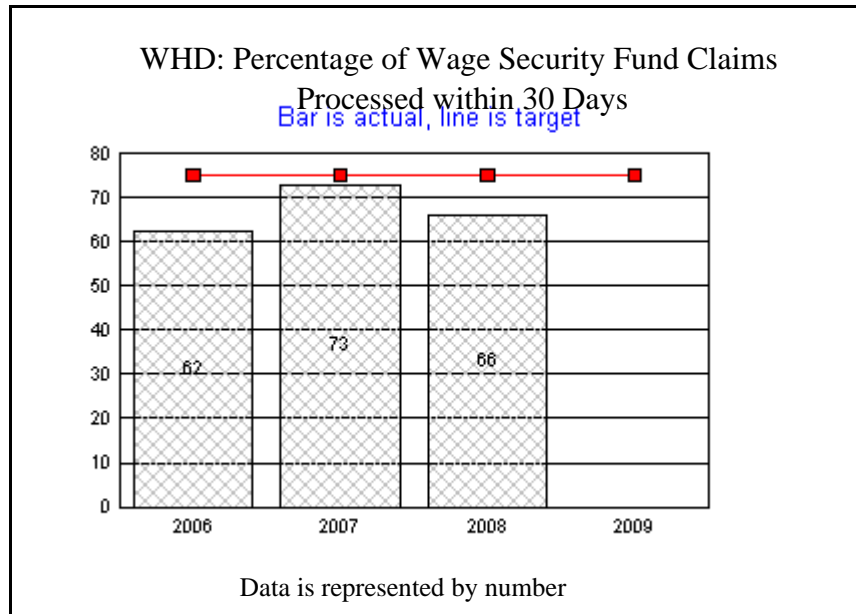
#### **6. WHAT NEEDS TO BE DONE**

An additional staff person to work on these claims is the ideal way to improved the timeliness of minimum wage and overtime cases. As General Fund dollars available to support adequate staffing levels have decreased, the ability to achieve the goal has dropped. The 2007-09 agency budget authorized an additional .75 FTE to hire a Compliance Specialist to address this concern, but due to unbudgeted operations costs and personal service increases, the division has been forced to leave the position vacant to make up for these costs. The division has a program option package in its 2009-11 agency request to increase this position to 1 FTE. The new timeliness measure being proposed by the division will help identify any system improvements that could be made to increase timely processing of these claims, but with fewer than four investigators handling such a high caseload timeliness will best be improved by additional compliance staff.

#### **7. ABOUT THE DATA**

Suntrack relational database. Data for July 1, 2007-June 30, 2008. Cases are logged in the database as they are received and assigned for investigation. Time elapsed between initial receipt of a claim and the final closure or referral of a case is used to calculate the percentage of cases processed in 45 days or less.

<b>KPM #6</b>	WHD: Percentage of WSF claims processed within fewer than 30 days.	2005
<b>Goal</b>	WHD: Promptly pay benefits from Wage Security Fund (WSF) to workers who do not receive wages already earned when a business fails.	
<b>Oregon Context</b>	Protect income security.	
<b>Data Source</b>	Suntrack Relational Database.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The Wage and Hour Division (WHD) is charged with paying the unpaid final wages due to employees of companies that go out of business or go bankrupt from the Wage Security Fund. The Wage Security Fund (WSF) is unique to Oregon and ensures workers can meet their family

obligations when their paychecks do not arrive as expected.

## 2. ABOUT THE TARGETS

The target is designed to get the funds to employees, who lost their jobs and were not paid for the work they performed, within 30 days. This will enable them to pay rent or mortgage payments and not fall too far behind in bills if they have limited savings.

BOLI is proposing the elimination of this measure and the incorporation of its data and goals into a single agency wide measure on timeliness.

## 3. HOW WE ARE DOING

WHD continues to make progress and is just shy of reaching this target.

## 4. HOW WE COMPARE

Since no other state has a WSF to the division's knowledge, it is impossible to compare performance in this area.

## 5. FACTORS AFFECTING RESULTS

Workload is difficult to predict since it is based on the rate and scale of business closures and is often difficult to obtain needed documentation from businesses that have abruptly closed or declared bankruptcy.

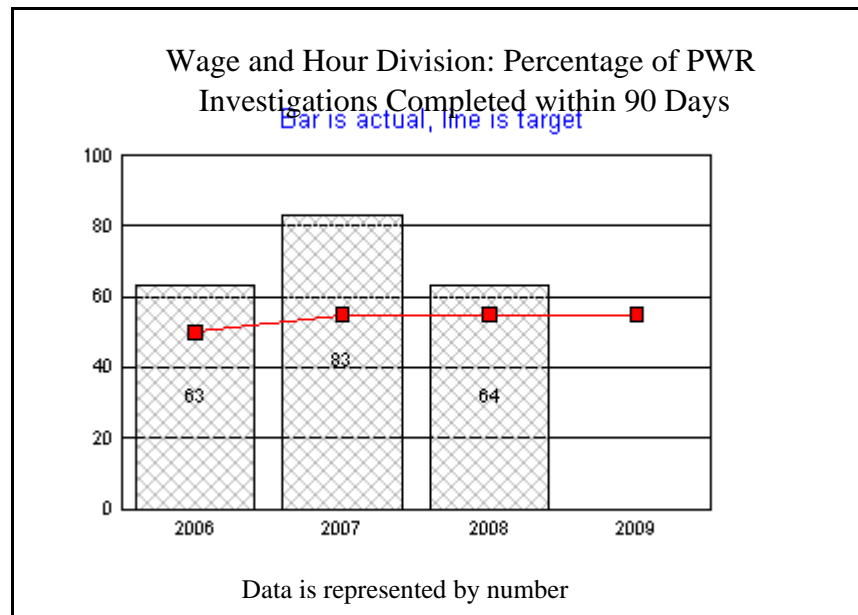
## 6. WHAT NEEDS TO BE DONE

Staff will continue to seek creative ways of working with partners who may have some advance notice of anticipated closures to facilitate obtaining payroll documentation as early as possible.

## 7. ABOUT THE DATA

Suntrack relational database. Data for July 1, 2007-June 30, 2008. Claims are logged in the database as they are received and assigned to staff. Time elapsed between initial receipt of a claim and when the claim is authorized for payment from the WSF is used to calculate the percentage of claims processed in 30 days or less.

<b>KPM #7</b>	WHD: Percentage of PWR investigations completed within 90 days.	2005
<b>Goal</b>	WHD: Resolve prevailing wage rate (PWR) complaints quickly to protect both the worker and the public's investment in infrastructure.	
<b>Oregon Context</b>	Community standard wages and benefits and public investment in quality infrastructure.	
<b>Data Source</b>	Suntrack Relational Database.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The Prevailing Wage Rate Unit of the WHD is charged with enforcing the payment of community standard wages on public works projects that are carried on by or contracted for by a public agency or us more than \$750,000 in public funds.

**2. ABOUT THE TARGETS**

PWR investigations are complaint based. The PWR Unit investigates allegations that contractors employing workers on projects covered by the prevailing wage law are not paying PWR at all or paying improper rates. Rates are set according to independent annual surveys conducted by the Oregon Employment Department for BOLI. The investigation can involve lengthy examination of project contracts and payroll records to determine coverage of the law to projects and wages owed to workers.

**3. HOW WE ARE DOING**

The PWR Unit has substantially exceeded this target due to one additional staff person.

**4. HOW WE COMPARE**

WHD is unaware of other state performance measures on prevailing wage investigations.

**5. FACTORS AFFECTING RESULTS**

During this biennium, the Legislature approved one additional position for the PWR Unit, and the additional employee substantially helped the unit's performance.

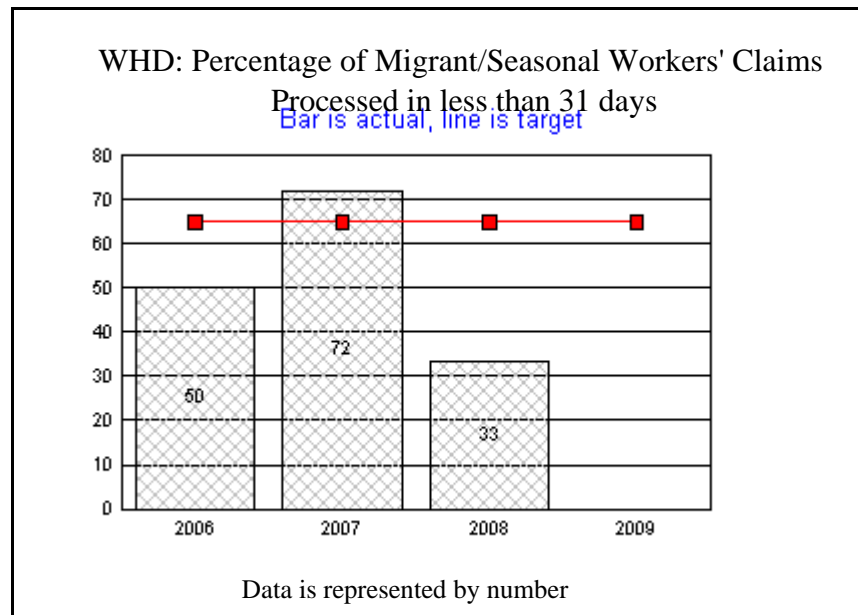
**6. WHAT NEEDS TO BE DONE**

The PWR Unit will continue to have one employee focus on predeterminations requested by public agencies or contractors to determine if the PWR law covers a project. We believe these predeterminations will reduce the number of PWR investigations in the future.

**7. ABOUT THE DATA**

Suntrack relational database. Data for July 1, 2007-June 30, 2008. Cases are logged in the database as they are received and assigned for investigation. Time elapsed between the assignment of a case for investigation and the final closure of a case is used to calculate the percentage of cases processed in 90 days or less.

<b>KPM #8</b>	WHD: Percentage of migrant/seasonal farm labor workers' claims processed within fewer than 31 days.	2005
<b>Goal</b>	WHD: Promptly process allegations of unpaid wages for migrant/seasonal farm and forest labor workers to avoid exploitation of highly vulnerable workers.	
<b>Oregon Context</b>	Protecting income security	
<b>Data Source</b>	Suntrack Relational Database.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The Farm Labor unit (FLU) of WHD is charged with promptly processing allegations of unpaid wages for migrant/seasonal farm and forest labor workers to avoid exploitation of highly vulnerable workers.

**2. ABOUT THE TARGETS**

WHD prioritizes its handling of claims for migrant/seasonal workers because these workers tend to move often and may be in the state for a limited time.

**3. HOW WE ARE DOING**

In FY 2005-06, FLU doubled its completion rate from the previous fiscal year, and in FY 2006-07, the unit exceeded this target. In FY 2008, the processing time for these claims declined, but it should be noted that so few were received (9) that the percentage meeting the goal is somewhat misleading.

**4. HOW WE COMPARE**

WHD is unaware of another state that specifically measures the processing of claims of migrant or seasonal workers.

**5. FACTORS AFFECTING RESULTS**

The FLU staff has been assigned to process other types of wage claims as well as those received from migrant/seasonal farm workers, but staff has been directed to prioritize these claims. The fact that there is only one dedicated public outreach employee to proactively go into the fields to determine if workers have wage or working condition problems and the low number of claims received from this population is also impacting our oversight abilities.

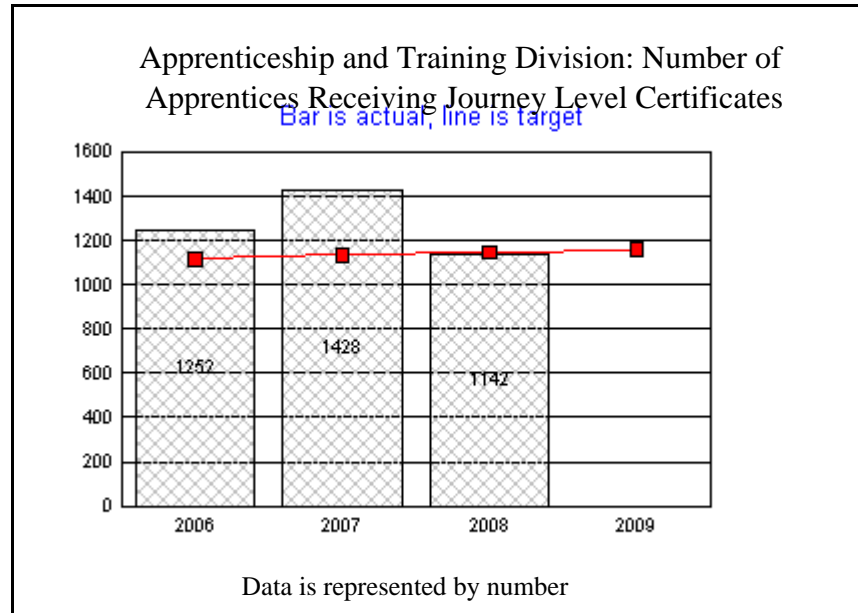
**6. WHAT NEEDS TO BE DONE**

Additional WHD staff will allow FLU staff to focus only on farm worker claims.

**7. ABOUT THE DATA**

Suntrack relational database. Data for July 1, 2007-June 30, 2008. Cases are logged in the database as they are received and assigned for investigation. Time elapsed between the assignment of a case for investigation and the final closure of a case is used to calculate the percentage of cases processed in 31 days or less.

<b>KPM #9</b>	ATD: Number of apprentices receiving journey level certificates.	2005
<b>Goal</b>	ATD: Ensure registered apprentices are receiving valuable learning experiences	
<b>Oregon Context</b>	Quality trained workforce supports strong economy	
<b>Data Source</b>	Division Management Information System.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

Apprenticeship and Training Division (ATD) seeks to ensure that registered apprentices are receiving valuable learning experiences, completing their training and going on to receive an industry standard seal of approval – referred to as a journey level certificate.

The Oregon State Apprenticeship and Training Council (OSATC) provides policy direction and approves local apprenticeship committees and their

occupational standards. The division plays an administrative role in this process and provides technical support to the OSATC and local apprenticeship committees to develop apprenticeship-training standards, certify registered training agents and apprentices and ensure quality-training standards are met. Furthermore, the division facilitates the growth and promotion of the apprenticeship model of training by assisting communities in building partnerships with educational institutions, government agencies, private training agents and various other community partners.

This goal is directly related to the agency's core mission of advancing employment opportunities. Apprenticeship programs provide supervised, structured training for high skill jobs; programs combine theoretical knowledge with hands on experience and are based on a recognized set of skill standards. Graduates of these programs have higher employment potential in high demand industries in Oregon.

## 2. ABOUT THE TARGETS

ATD and the Oregon State Apprenticeship and Training Council want to make sure that apprenticeship programs are doing their best to ensure apprentices complete their training. This target was based on data from FY 2004 (when the measure was created) and on economic predictions of a growing economy and historical performance. While this performance measure tracks the total number of completions from apprenticeship programs, it does not measure a number of equally important aspects, like the ratio of new apprentices who complete their programs to those who do not (completion rates), the quality of their training, or the availability of jobs upon completion of an apprenticeship program.

BOLI is proposing the elimination of all existing ATD performance measures and replacing them with a single, more comprehensive measure of ATD's all-around performance in achieving high percentages of new registrants completing their programs, ensuring quality training programs are implemented, and aligning goals for the number of graduating apprentices consistent with actual employment projections; in order to help set the appropriate number of graduates for each year, the new measure will use Employment Department Projections to set targets and goals for the number of graduates each year in select trades. By utilizing multiple data sources and factors the new measure will give a more comprehensive performance review of the division in its entirety.

## 3. HOW WE ARE DOING

ATD and Joint Apprenticeship and Training Committees (JATCs) came close to meeting this goal with 1073 apprentices receiving journey certificates in FY 2008. The division attributes the decline in completions to a combination of: 1) a cyclical anomaly of the division having exceeded its goal for completing individuals over the last two fiscal years; and 2) a slightly weakened economy in the second half of the fiscal year that resulted in fewer apprentice hours worked and slows progress toward the hours required to receive a journey certificate. The division recognizes, however,

that employment projections continue to forecast a severe shortage of skilled craft workers within the next 10 years. These are the plumbers, electricians, millwrights, and manufacturers that make up the infrastructure of the state's economy. Altogether the Employment Department projects that manufacturing will be faced with 46,000 replacement openings between 2006 and 2016. Projected skilled worker shortages in the construction industry are equally dire. While the division is meeting its performance goals, it also recognizes an increasing need to train an increasing number of these skilled workers to meet the demands of employers in Oregon and increased employment opportunities for Oregonians.

#### **4. HOW WE COMPARE**

By way of comparison, the State of Washington, with 17,379 registered apprentices for the 2007 calendar year, reports that 1,174 individuals completed their program and received journey level certification in the last calendar year (2007). Washington's completion rate for apprentices was 36.17%.

#### **5. FACTORS AFFECTING RESULTS**

The target was based on FY 2004 data, and the industry has experienced a significant increase in growth since that time. This growth provides an incentive for apprentices to graduate because employers demand a trained journey level workforce. Compliance efforts undertaken by the division to ensure quality standards have also increased completion rates of apprentices.

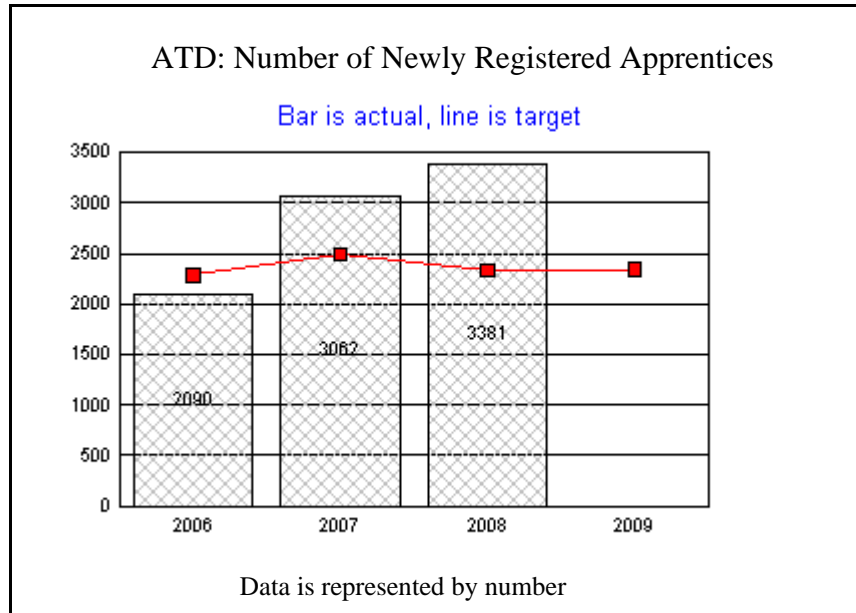
#### **6. WHAT NEEDS TO BE DONE**

ATD needs to continue to work with JATCs to ensure that they provide appropriate resources and mentorship to those who sincerely seek to obtain a journey level certificate. High compliance standards have led to high apprenticeship completion rates in Oregon and the division will continue this effort. In addition, the division needs to continue to focus apprenticeship outreach and recruitment efforts toward high demand industry sectors.

#### **7. ABOUT THE DATA**

Division Management Information System. Data for July 1, 2007-June 30, 2008.

<b>KPM #10</b>	ATD: Number of newly registered apprentices.	2005
<b>Goal</b>	ATD: Increase skilled workforce by increasing the number of newly registered apprentices.	
<b>Oregon Context</b>	Quality trained workforce leads to strong economy.	
<b>Data Source</b>	Division Management Information System.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

Projected workforce shortages make it essential that more apprentices enter training programs. While BOLI does not play a direct role in granting admission to apprenticeship programs, it works to promote the institution of apprenticeship and attracting more interest to the programs in high demand industry sectors. BOLI works with education and workforce partners, industry associations, labor organizations and community groups to

attract new apprentices and improve apprenticeship and training programs. This goal is directly related to the agency's core mission of advancing employment opportunities.

## 2. ABOUT THE TARGETS

The target was based on FY 2004 data and the construction industry has experienced a significant increase in growth since that time. This growth provides an incentive for programs to open up slots for interested and qualified individuals to apply to enter the programs. Although this goal was set based on economic predication made in FY 2004, it has not been updated to reflect recent growth in the industry.

As with KPM #9, this measure and its targets would be more informative if annual performance goals for new apprentices registered were based on projected future demand in each sector (and factored in the historical completion rates of each program). BOLI is proposing elimination of this measure and incorporating its data into a single, new measure on apprenticeship training. Goals for new enrollees will directly relate to goals for apprenticeship program graduates and both will be based on actual projections of future demand for that trade skill. It will incorporate completion rates of apprentices (the ratio at which new apprentices actually graduate from their programs) and provide a more dynamic goal, annually adjusted based on actual data: Employment Department annual job projections and historical completion rates of individual programs.

## 3. HOW WE ARE DOING

ATD and JATCs are exceeding the target this year and the number of newly registered apprentices grew substantially over last year. A total of 3,381 new apprentices were registered in FY 2008.

## 4. HOW WE COMPARE

The State of Washington reports that 6,725 new apprentices registered in the 2007 calendar year. Although this number is significantly higher than the number of new registrants in Oregon, Washington has a significantly larger population than Oregon and the rate of apprenticeship completion is not nearly as high as Oregon's. In effect means Washington must register more apprentices to get the same number of graduates.

## 5. FACTORS AFFECTING RESULTS

Industry growth and occupational demand is affecting the growth rate of newly registered apprentices.

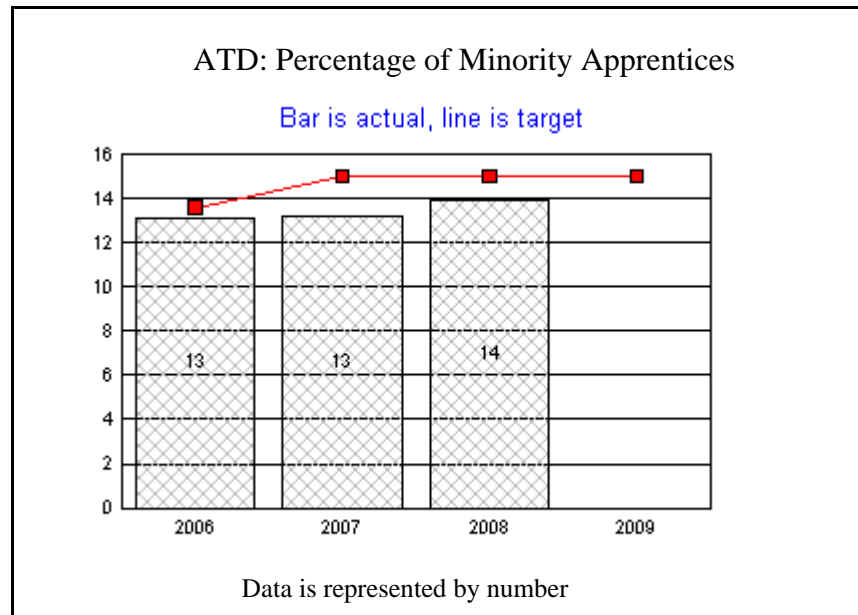
## 6. WHAT NEEDS TO BE DONE

ATD will need to be able to find ways to respond to the rising needs of the increased number of apprentices and apprenticeship committees. In 2007, the division began a pilot project with three high schools to encourage and prepare more graduating seniors to consider career opportunities in apprenticeship and has worked closely with the Oregon Department of Veterans Affairs to attract more returning veterans to careers in the trades. The division's partnership with the Oregon Department of Transportation has also paved the way for more individuals to obtain apprenticeship opportunities.

**7. ABOUT THE DATA**

Division Management Information System. Data for July 1, 2007-June 30, 2008.

<b>KPM #11</b>	Apprenticeship Participation: Percentage of new apprenticeship participants who are minorities. [Merges proposed KPM #11 and #12]	2005
<b>Goal</b>	Increase the number of minority participants in apprenticeship programs.	
<b>Oregon Context</b>	Workplace diversity.	
<b>Data Source</b>	Division Management Information System.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

ATD and the Council are working to increase the diversity in the apprenticeable construction trades. Federal law requires apprenticeship programs include affirmative action plans and BOLI works with individual apprenticeship programs to adopt and implement appropriate plans and achieve results. BOLI staff work with education and workforce partners, ODOT, urban renewal agencies, industry associations, labor organizations and

community groups to help increase minority participation in apprenticeship programs.

## 2. ABOUT THE TARGETS

The targets are set to increase the percentage of minority apprentices participating in apprenticeship programs until such a point when apprenticeship programs are proportionally representative of the state's minority workforce population.

BOLI is proposing the elimination of this performance measure and incorporating its data and goals on minority participation into a single, more comprehensive measure of ATD's performance.

## 3. HOW WE ARE DOING

ATD continues to make progress toward this target. The percentage of minorities in the programs is increasing at a time when the number of all apprentices has grown. In addition, the division works directly with programs showing particularly low minority participation rates to improve their affirmative action plan.

## 4. HOW WE COMPARE

Oregon lags behind most other states with respect to the percentage of minority participants in registered apprenticeship programs. Nonetheless, minority apprentice registrations are slowly approaching parity with the state's total minority workforce (15%).

## 5. FACTORS AFFECTING RESULTS

The results are affected by the unmet need of conducting increased outreach, mentorship and increased partnering with community groups especially in areas with large minority populations, industry associations such as OAME, labor organizations, minority business owners, urban renewal agencies, workforce partners and ODOT.

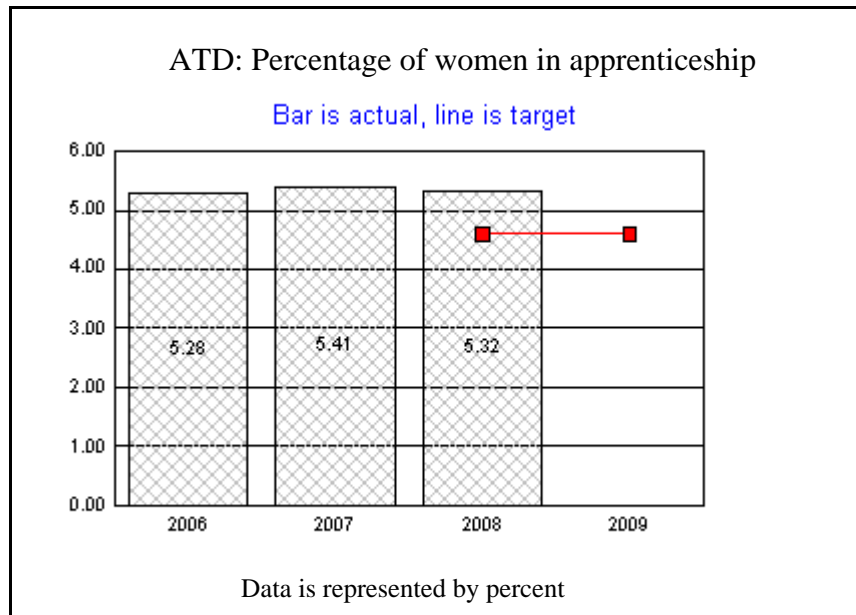
## 6. WHAT NEEDS TO BE DONE

ATD needs to increase the amount of time it spends on technical assistance to JATCs so they can have an increasing pool of minority applicants for their programs. With only nine staff members to serve the state with a growing number of apprentices and committees, and when the staff's primary role is compliance, it is difficult to provide additional assistance to the JATCs.

**7. ABOUT THE DATA**

Division Management Information System. Data for July 1, 2007-June 30, 2008.

<b>KPM #12</b>	Apprenticeship Participation: Percentage of new apprenticeship participants who are female. [Merges proposed KPM #11 and #12]	2007
<b>Goal</b>	Increase the number of female participants in apprenticeship programs.	
<b>Oregon Context</b>	Workplace diversity	
<b>Data Source</b>	Division Management Information System.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

ATD and the Council are working to increase the diversity in the apprenticeable construction trades, which have been traditionally a male dominated workforce. Federal law requires individual apprenticeship programs to include an equal employment opportunity plan. BOLI staff work with education and workforce partners, ODOT, urban renewal agencies, industry associations, labor organizations and community groups to increase

participation of women in apprenticeship programs.

## 2. ABOUT THE TARGETS

The targets are set to increase the actual number of female apprentices participating in apprenticeship programs. Despite the decrease in the percentage of women newly registered into apprenticeship programs, based upon better retention efforts, the total number of women actively participating in their programs has increased from 407 to 429 between FY 2007 and FY 2008. The division will continue to focus its efforts on accelerating the proportional growth in female apprentices as a percentage of the overall population. It is important to note this KPM was changed in 2007 to reflect the percentage of women newly registered female apprentices instead of the actual number of newly registered female apprentices.

BOLI is proposing the elimination of this performance measure and incorporating its data and goals on the participation of women in apprenticeship into a single, more comprehensive measure of ATD's performance.

## 3. HOW WE ARE DOING

While ATD met this target women are still disproportionately underrepresented in the apprenticeship. Significant progress has been made over the years in increasing this percentage; women represented 5.03% of the all apprentices in FY 04, 5.14% in FY 05, 5.28% in FY 06, 5.41% in FY 07, and 5.32% in FY 2008.

## 4. HOW WE COMPARE

Among states with their own apprenticeship councils, only North Carolina, Ohio and Washington registered more female apprentices than Oregon during the fiscal year. All three states have a number of programs in non-traditional apprenticeship trades (education; early childhood development; medical and dental technicians) that have traditionally been more attractive to women, while the overwhelming majority of Oregon's apprenticeship programs are in the building, construction and manufacturing trades.

## 5. FACTORS AFFECTING RESULTS

The results are affected by industry growth and increased outreach and partnership with community groups and ODOT.

## 6. WHAT NEEDS TO BE DONE

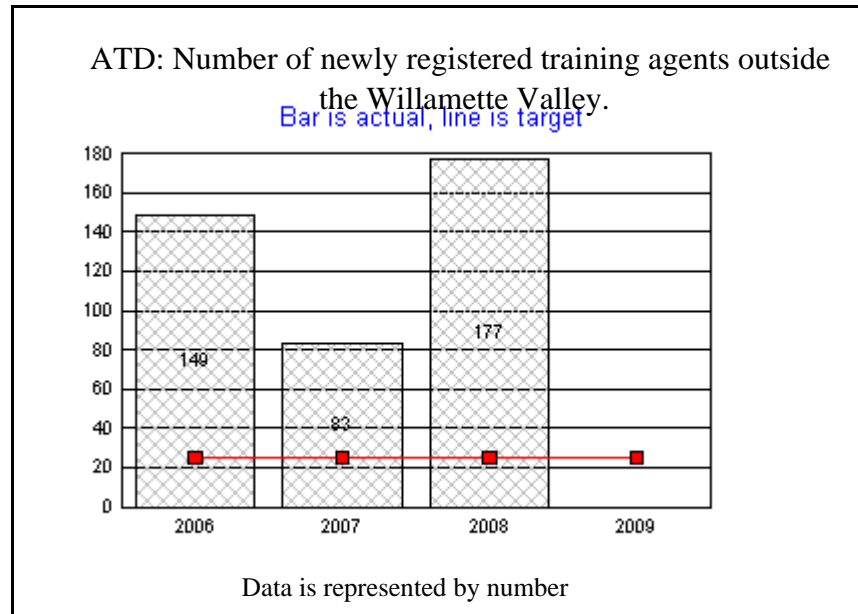
ATD needs to increase the amount of time it spends on technical assistance to JATCs so they can have an increasing pool of female applicants for

their programs. With only nine apprenticeship representatives in ATD to serve the entire state, when the number of apprentices and apprenticeship committees are growing rapidly, and when the staff's primary role is compliance, it is difficult at best to provide additional assistance to the JATCs. ATD failed in its attempt to obtain additional staff funded by federal workforce dollars to provide the requisite technical assistance that is being demanded and is needed to see these numbers continue to increase. However, the division is actively collaborating with the Oregon Tradeswomen, a local community-based organization focused on trade opportunities for women as a part of their federally funded grant to increase diversity.

**7. ABOUT THE DATA**

Division Management Information System. Data for July 1, 2007-June 30, 2008.

<b>KPM #13</b>	ATD: Number of newly registered training agents outside the Willamette Valley.	2005
<b>Goal</b>	ATD: Increase use apprenticeship system outside the Willamette Valley.	
<b>Oregon Context</b>	Benchmark # 1 - Employment outside Willamette Valley	
<b>Data Source</b>	Division Management Information System.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

Projected workforce shortages and growth in the industry make it essential that more Joint Apprenticeship and Training Committees (JATCs) are formed in the rural areas of the state so that students are more likely to remain in their communities while they train. The Apprenticeship Council has members who represent the rural areas of the state. BOLI staff work with education and workforce partners, industry associations, labor

organizations and community groups.

## 2. ABOUT THE TARGETS

Apprenticeship training depends on the availability and participation of registered training agents. Although BOLI is proposing the elimination of this measure, increasing apprenticeship opportunities outside the Willamette Valley will remain an internal target and goal of the division and a necessary component of achieving recruitment and completion goals.

## 3. HOW WE ARE DOING

ATD continues to substantially exceed this target.

## 4. HOW WE COMPARE

The division is not aware of other states that track and geographically target recruitment of training agents in this manner.

## 5. FACTORS AFFECTING RESULTS

Industry growth and occupational demand is affecting the growth rate in the number of new training agents outside the Willamette Valley.

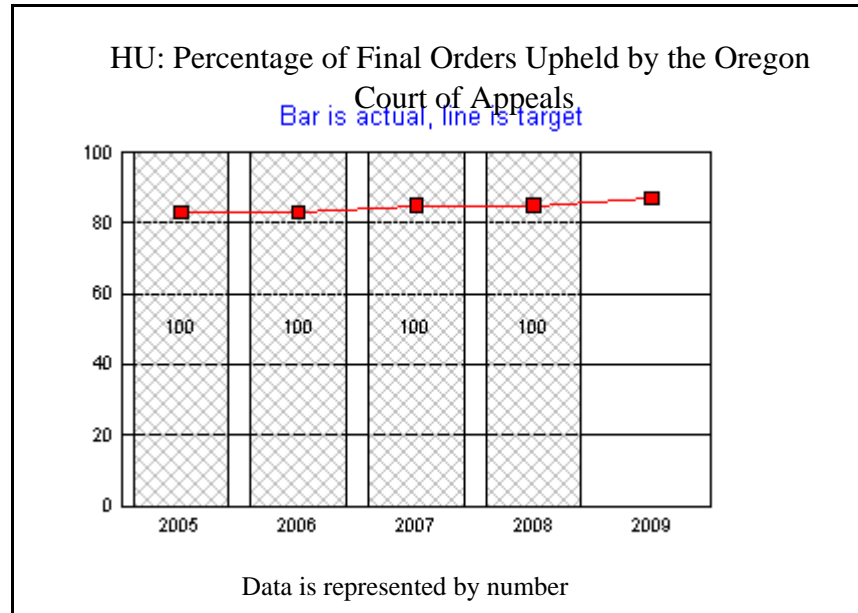
## 6. WHAT NEEDS TO BE DONE

ATD needs to continue its outreach to industries and employers outside of the Willamette Valley to engage them in the benefits of apprenticeship as an economic development strategy and explore the possibility of joining an apprenticeship program or starting one in their area.

## 7. ABOUT THE DATA

Division Management Information System. Data for July 1, 2007-June 30, 2008.

<b>KPM #14</b>	HU: Percentage of final orders upheld on appeal to the Oregon Court of Appeals.	2004
<b>Goal</b>	HU: Final orders issued reflect agency policy and are legally sound.	
<b>Oregon Context</b>	Responsible agency enforcement	
<b>Data Source</b>	Oregon Court of Appeals and Supreme Court Reporters.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The Hearings Unit (HU) processes contested cases that result when respondents request a hearing on the result of an investigation by the Wage and Hour Division or Civil Rights Division. At the conclusion of the hearing, the commissioner issues a final order that becomes agency precedent. It is our goal to have Commissioner’s Final Orders that are challenged by respondents, upheld by the Oregon Court of Appeals and the Supreme Court.

This goal is directly related to BOLI's mission of protecting employment rights and not having its final orders overturned.

## 2. ABOUT THE TARGETS

It is important to set the target relatively high to maintain excellence in all aspects of Commissioner's Final Orders.

## 3. HOW WE ARE DOING

The HU continues to exceed its goal of having 85% of Commissioner's Final Orders upheld on appeal. Between FY 2005 and FY 2008, 100% of BOLI's final orders were upheld on appeal to the Oregon Court of Appeals and the Oregon Supreme Court.

## 4. HOW WE COMPARE

It is difficult to compare this data with other jurisdictions.

## 5. FACTORS AFFECTING RESULTS

The number of contested case hearings at BOLI has decreased significantly over the past 10 years. It is now far more common for the Hearings Unit to settle cases than have them go through a hearing. This has the effect of reducing court appeals since BOLI is not issuing as many final orders as it has historically. BOLI views the increase in settlements and the decrease in contested case hearings as a generally positive outcome, but it means fewer and fewer opinions are issued on appeals each year.

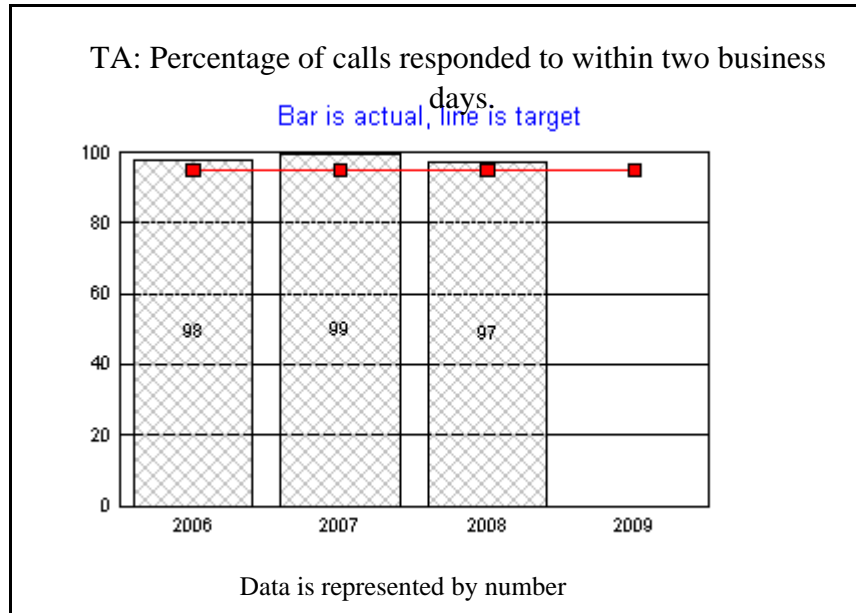
## 6. WHAT NEEDS TO BE DONE

The agency continues to set high standards for its hearings unit and administrative law judges. The agency is focusing on improving the timeliness of the issuance of administrative decisions at this point.

## 7. ABOUT THE DATA

Oregon Court of Appeals and Supreme Court Reporters; Opinions issued July 1, 2007-June 30, 2008 on BOLI final orders. The hearings unit uses the date the opinion was issued to track performance in this area and opinions can often be issued years after BOLI's final order on the same case.

<b>KPM #15</b>	TA: Percentage of employer technical assistance calls or emails returned no later than the next business day.	2005
<b>Goal</b>	TA: Employers receive prompt, accurate technical assistance to comply with Oregon law.	
<b>Oregon Context</b>	Emphasize education and compliance	
<b>Data Source</b>	Internal Tracking System.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The goal for the Technical Assistance for Employers Unit (TA) is to provide employers with prompt, accurate technical assistance to comply with Oregon law. Employers with employment law questions often need immediate answers and a prompt response can be essential to avoiding prolonged disputes. Assisting employers in complying with the law is related to the agency’s core mission of protecting employment rights.

## 2. ABOUT THE TARGETS

This target is to ensure that employers receive a timely response to their technical assistance questions. Employers with technical questions need timely answers in order to avoid complaints and exacerbating situations currently happening in the workplace. Responding to employers' questions the following business day is a reasonable goal.

## 3. HOW WE ARE DOING

TA exceeded its performance target this fiscal year. Given the significant turnover of staff and vacancies in the unit, TA's performance of returning calls and emails within one business day 97% percent of the time is remarkable. TA staff has been answering an increasing number of calls from employers in recent years, likely due to increased numbers of workers in the state and a significant number of new employment laws passed by the 2007 legislature, with which employers must comply; in FY 2007, TA staff answered 21,670 calls, in FY 2008 this number grew to 22, 675.

## 4. HOW WE COMPARE

TA is unaware of any other similar self-supporting program that provides such technical assistance in any state. Given the increased amount of calls and level of staff turnovers, it is significant that performance has stayed consistently high in this area, reaching 99.49% of calls responded to the following business day in FY 2007, 97% in FY 2008, 98% in FY 2006, and 99.7% in FY 2005.

## 5. FACTORS AFFECTING RESULTS

Factors affecting results involve the number of calls and emails received and the competing demands of the staff to perform seminars, both public and on-site private ones tailored to the employers' needs. Because the TA Unit's budget is derived entirely from the sale of its seminars, handbooks and posters, staff must prioritize those duties above the employer assistance hotline. Last year, management was forced to cut the hours of the phone hotline from 8am-5pm Monday through Friday to now serving employers from 8am-12pm Monday through Friday in order to focus on the revenue generating functions of the unit. Additionally, the TA unit has had a significant number of new staff during this fiscal year, which often decreases the production of the unit.

## 6. WHAT NEEDS TO BE DONE

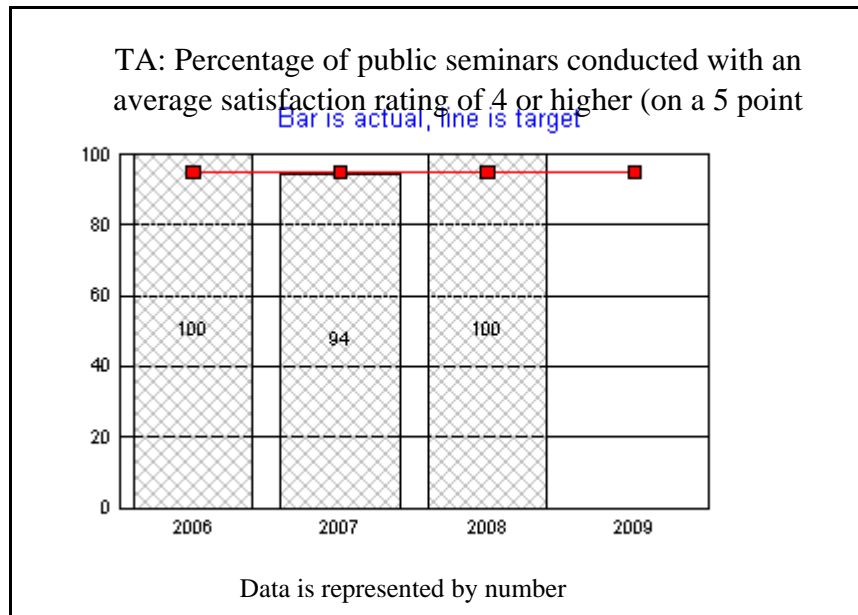
The new manager for the TA unit is continuing to reorganize the unit and reallocate staff time to cover all of the unit's duties. After completing initial training, new staff members need to quickly take on greater responsibilities, including promptly responding to calls and emails. The new manager

has, and continues to, help improve functions of the TA Unit substantially.

**7. ABOUT THE DATA**

Internal Tracking System. Data for July 1, 2007-June 30, 2008. Calls are logged as they come in and again when they are responded to. The time elapsed between an employer's initial call and when TA staff returns the call or email is used to calculate the percentage of calls responded to in two business days or less.

<b>KPM #16</b>	TA: Percentage of public seminars conducted by TA with an average satisfaction rating of 4 or higher on a 5 point scale on the evaluations.	2005
<b>Goal</b>	TA: Seminars for employers provide accurate information in a user-friendly atmosphere to assist them in complying with the law.	
<b>Oregon Context</b>	Emphasize education and compliance.	
<b>Data Source</b>	Internal Tracking System.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The Technical Assistance for Employers program offers a variety of training seminars for Oregon employers, supervisors, managers, and human resource professionals. Technical Assistance trainers work closely with bureau enforcement divisions to provide employers with educational seminars that cover the latest developments in employment law.

The goal for the Technical Assistance for Employers Unit (TA) is for employers to receive accurate technical assistance to comply with Oregon law in its seminars. Seminars are conducted on a range of employment law topics including: Wage and Hour Laws, White Collar Exemptions, Leave Laws in Oregon, Complying with Domestic Violence Leave Requirements and Harassment in the Workplace, Employee Supervision, and Complying with the ADA and Workers Compensation Claims. The TA Unit strives for its seminar attendees to rank their experience highly and give a high score to the value of their seminar attendance. In helping employers understand and comply with the law, this goal is directly related to the agency's mission of protecting employment rights.

## **2. ABOUT THE TARGETS**

The rationale for the target is to ensure that employers receive quality training in how to comply with state and federal employment laws and rate their seminar experience highly. Employers report in the survey their satisfaction with the training, the value of the information received, usefulness of training materials, and suggestions for future training topics.

## **3. HOW WE ARE DOING**

The Technical Assistance Unit has exceeded its performance goal on this measure. The TA Unit conducted a total of 174 seminars in FY 2008 and each seminar (100%) had an average seminar respondent score of 4 or higher. These high scores mean seminar attendees place a high value on the information received and are very satisfied with the seminars conducted by the TA Unit.

## **4. HOW WE COMPARE**

TA is unaware of any other similar self-supporting program that provides such technical assistance. Average satisfaction levels, however, have remained consistently high from year to year; in FY 2006, 100% of seminars conducted received and average response rate of 4 or higher (on a 5 point scale), 94.4% in FY 2007, and 100% in FY 2008.

## **5. FACTORS AFFECTING RESULTS**

In early FY 2008, the TA Unit hired two new staff, which as discussed above, generally take up to 6 months before being capable of presenting seminars and answering calls as efficiently as more experienced staff. Also affecting results are the number of calls and emails received and the competing demands on the staff to perform seminars, both public and on-site private ones tailored to employers' needs. In FY 2008, the TA Unit conducted 174 seminars and on-site trainings and answered 22,675 phone calls and emails from employers.

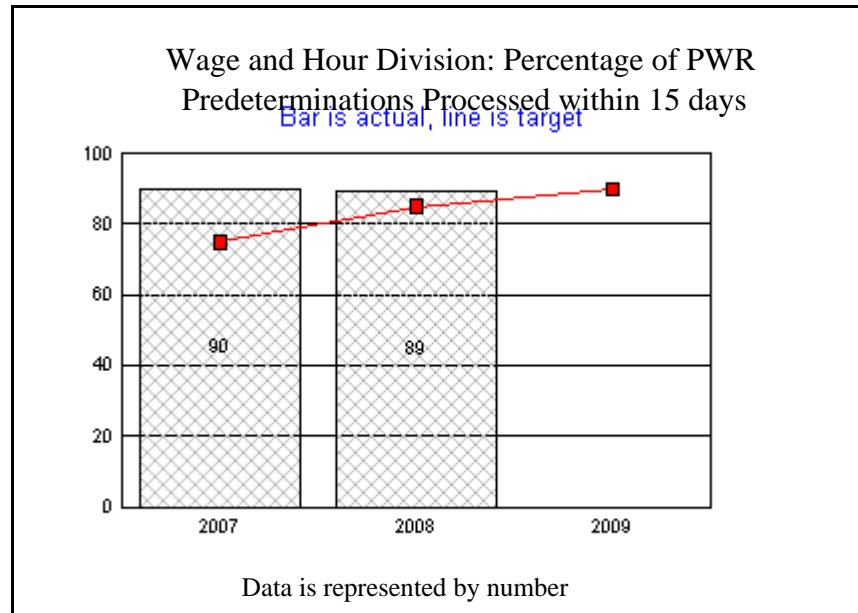
**6. WHAT NEEDS TO BE DONE**

Staff members need to continue to listen to feedback from stakeholders. The staff has been working to update seminar materials and handbooks in response to survey responses. In late 2008, new manuals covering Wage and Hour Laws, Leave Laws in Oregon, and White Collar Exemptions will be released and available for sale by the division. New staff members need to continue their own technical training and gain experience in presenting seminars.

**7. ABOUT THE DATA**

TA Seminar Survey. Data for July 1, 2007-June 30, 2008. Immediately following each seminar conducted by the TA Unit, attendees are asked to complete a customer satisfaction survey comprised of 9 questions. The responses from each seminar are averaged to calculate the average satisfaction rating for that particular seminar.

<b>KPM #17</b>	Prevailing Wage Rate Pre-determinations - Response time for requests by public agencies concerning potential coverage of projects under state Prevailing Wage laws.	2006
<b>Goal</b>	The Prevailing Wage Unit will make a recommendation to the office of the Commissioner of the Bureau of Labor and Industries regarding application of the prevailing wage law to a project within 15 business days of its receipt of a request for a coverage determination.	
<b>Oregon Context</b>	BOLI Goal #3c: Resolve prevailing wage rate (PWR) complaints quickly to protect both the worker and the public's investment in critical infrastructure.	
<b>Data Source</b>	SunTrak – relational database running on an Oracle platform.	
<b>Owner</b>	BOLI, Doug McKean, 971-673-0785	



**1. OUR STRATEGY**

The PWR Unit strives to provide timely responses to public agencies requesting predeterminations on the potential coverage of projects under state prevailing wage law. The Unit began conducting predeterminations in 2006 and has since hired a new employee, which allowed the unit to assign an experienced employee to focus solely upon the issuance of coverage pre-determinations, which gives public agencies more certainty about whether projects are potentially covered by the PWR law.

**2. ABOUT THE TARGETS**

When this target was approved in September 2006, there was no related data available. The agency's adopted target - of making 75 percent of predetermination recommendations within 15 days - appeared ambitious but realistic.

BOLI is proposing the elimination of this measure and the incorporation of its data and goals into a single agency wide measure on dispute resolution that incorporates this timeliness goal and data.

**3. HOW WE ARE DOING**

The WHD is exceeding this target.

**4. HOW WE COMPARE**

The WHD knows of no similar predetermination process to which it can compare.

**5. FACTORS AFFECTING RESULTS**

An experienced employee was assigned to work exclusively on predetermination requests. This reduced the conflicts in work duties experienced by other Prevailing Wage Rate Unit staff members.

**6. WHAT NEEDS TO BE DONE**

The division will continue to monitor outcomes and potentially adjust its performance goals for this measure if it continues to exceed the 15 day window.

**7. ABOUT THE DATA**

Suntrack relational database. Data for July 1, 2007-June 30, 2008. As predetermination requests are received they are logged in Suntrack and assigned to staff. Time elapsed between the initial receipt of a predetermination request (with complete information) and the date of the determination is used to calculate the percentage of predeterminations issued in 15 days or less.

**Agency Mission:** 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.

**Contact:** Doug McKean, Deputy Commissioner

**Contact Phone:** 971-673-0785

**Alternate:** Kate Newhall, Legislative Manager

**Alternate Phone:** 971-673-0786

**The following questions indicate how performance measures and data are used for management and accountability purposes.**

**1. INCLUSIVITY**

- \* Staff :
- \* Elected Officials:
- \* Stakeholders:
- \* Citizens:

**2 MANAGING FOR RESULTS**

**3 STAFF TRAINING**

**4 COMMUNICATING RESULTS**

- \* Staff :
- \* Elected Officials:
- \* Stakeholders:
- \* Citizens: