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**PERMANENT ADMINISTRATIVE RULES**

|  |                                     |
|--|-------------------------------------|
| Bureau of Labor and Industries                   | 839                                 |
| Agency and Division                              | Administrative Rules Chapter Number |
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| Upon filing.                                     |                                     |
| Adopted on                                       |                                     |
| Upon filing.                                     |                                     |
| Effective date                                   |                                     |

**RULE CAPTION**

Amending rule regarding agency response to objections to investigative subpoenas  
Not more than 15 words

**RULEMAKING ACTION**

**ADOPT:**

**AMEND:** 839-002-0065

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

**Stat. Auth.:** ORS 651.060, 658.220 and 659A.800

**Other Auth.:**

**Stats. Implemented:** ORS chapters 279C, 651, 652, 653, 658 and 659A

**RULE SUMMARY**

The amended rule clarifies the procedure by which BOLI enforcement divisions will respond to an objection filed by a person served with an investigative subpoena by clarifying timelines for objecting to subpoenas and for the division's response to objections and by cross referencing the administrative rule setting out permissible grounds for objections. The amendment provides for division

discretion in responding to objections based on cost of compliance with a subpoena, allowing the division to determine use of its resources based on circumstances rather than mandatorily. The amendment also clarifies that the division may engage in communication with a person objecting to a subpoena to determine whether the division's objective and objecting person's concerns can be addressed by mutual agreement, avoiding costly enforcement actions.

Marcia Ohlemiller Marcia Ohlemiller 5/15/15

Authorized Signer

Printed Name

Date

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