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I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on Upon filing, by the
Bureau of Labor and Industries 839

Agency and Division Administrative Rules Chapter Number
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Address
To become effective Upon filing, Rulemaking Notice was published in the April 2015 Oregon Bulletin.

RULE CAPTION

Amending rule regarding agency response to objections to investigative subpoenas

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:

839-002-0065

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 651.060, 658.220 and 659A.800

Other Authority:

Statutes 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.

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