

Secretary of State
NOTICE OF PROPOSED RULEMAKING
A Statement of Need and Fiscal Impact accompanies this form.

Bureau of Labor and Industries	839
Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	971-673-0784
	Address Telephone

RULE CAPTION

Amending, adopting 839-005 rules regarding career schools, social media, interns, substantial evidence, commissioner complaints

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 (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing
ADOPT: 839-005-0300, 839-005-0305, 839-005-0310, 839-005-0315, 839-005-0320, 839-005-0325
839-005-0400

AMEND: 839-005-0003, 839-005-0011, 839-005-0030, 839-005-0060, 839-005-0065, 839-005-0070, 839-005-0075, 839-005-0080, 839-005-0085, 839-005-0206 and other rules as necessary in chapter 839-005

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 659A.805

Other Auth.:

Stats. Implemented: ORS chapter 659A, H.B. 2669, 77th Leg., Reg. Session (Or. 2013), H.B. 2654, 77th Leg., Reg. Session (Or. 2013), ORS 345.240, ORS 659A.320

RULE SUMMARY

Proposed amendments to 839-005-0003, 839-005-0011, 839-005-0030 replace the term "complainant" with "aggrieved person" because the Commissioner and Attorney General may bring complaints on behalf of aggrieved persons

Proposed amendments to 839-005-0003 would amend to implement newly enacted legislation extending employee protections under ORS 695A.030, 695A.082, 695A.109, 695A.112, 695A.136, 695A.142, 695A.199, 695A.230, 695A.233, 695A.236, 695A.290, 695A.300, 695A.303, 695A.306, and 695A.315 to interns.

Proposed amendments to 839-005-0206 would make the definition of substantial evidence in the Housing Discrimination section internally consistent and consistent with Federal laws and necessary elements for proving discrimination.

Proposed adoptions of 839-005-0300, 839-005-0305, 839-005-0310, 839-005-0315, 839-005-0320, 839-005-0325 would address discrimination by Career Schools. These new rules will reference the statutes prohibiting unlawful discrimination by career schools which are enforced by BOLI and clarify the BOLI's standards and procedures.

Proposed adoption 839-005-0400 would address unlawful employment practices by an employer related to employee's social media accounts to be consistent with newly enacted legislation.

Proposed amendments to 839-005-0060, 839-005-0065, 839-005-0070, 839-005-0075, 839-005-0080 and 839-005-0085 would replace the Oregon Laws citation with ORS 659A.320, the statutory citation for limitations on the lawful use of credit history in employment.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

November 28, 2013

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Marcia Ohlemiller

Marcia Ohlemiller

10/15/2013

Signature

Printed name

Date

Note: Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*. A Rulemaking Hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following notice publication or 28 days from the date notice was sent to people on the agency's interested party mailing list, whichever is later. In such cases a Hearing Notice must be published in the *Oregon Bulletin* at least 14 days before the hearing.