

MINUTES OF MEETING

Wage and Hour Commission

Thursday, January 20, 2005, 11:00 AM
Portland State Office Building
800 NE Oregon Street, Room 1004
Portland, Oregon

1. CALL TO ORDER

Commission Chair Jeff Anderson called the meeting to order at 11:00 AM.

2. ROLL CALL

Members Present:

Jeff Anderson, Chair
John Fyre
Kathy Nishimoto

Staff Present:

Christie Hammond, Administrator, Wage and Hour Division (WHD)
Marge Phelps, Operations Support Manager, WHD
Karen Gernhart, Administrative Specialist, Child Labor Unit, WHD

3. FOR THE GOOD OF THE ORDER:

a. Election of Chairperson

Kathy Nishimoto nominated Jeff Anderson as Chairperson of the commission for 2005. John Fyre seconded the motion and Mr. Anderson was unanimously elected chair.

b. Consent Agenda

The minutes of the previous meeting of October 21, 2004 were unanimously approved as presented.

Staff summarized the temporary actions taken by staff since the commission's last meeting, which were unanimously approved.

b. Correspondence

Electronic communications dated November 9, 2004 between Jerod Broadfoot (Pac/West Communications) and Christie Hammond regarding the amended draft rule regulating the

employment of minors in occupations in which explosives are used. (Mr. Broadfoot indicated that he does not object to the revisions.)

Electronic communications dated November 17, 2004 between Roy C. Kroker (parent of Christopher Kroker, the minor who was killed when attempting to fire a cannon while employed at Boy Scout camp, Camp Meriwether) and Christie Hammond regarding the amended draft rule regulating the employment of minors in occupations in which explosives are used. (Mr. Kroker commented in response to the NRA's and others' challenges to the commission's authority to regulate ammunition-related employment that the U.S. Department of Labor regulates the employment of minors in these occupations. Hammond responded that the state law cited by the NRA as preempting the commission's authority does not apply to the US DOL.)

Notice to interested parties dated December 1, 2004 from Christie Hammond regarding proposed child labor rule amendments.

4. REPORTS

a. Child Labor Statistics

Staff reported that the Child Labor Unit issued a total of 1,051 annual Employment Certificates ("EC's") during the months of October, November, and December, 2004, and the total number of EC's issued fiscal year-to-date (2477), is 108% the number issued at this same time last year (2,298).

b. Workers' Compensation Injury Report

Staff reported that the September, October, and November, 2004 Workers' Compensation Division injury reports of "Claimants Under 18 Years of Age" since the last meeting. A summary of apparent violations and staff actions was presented and discussed.

c. Significant Cases

There were no significant cases reported.

d. Status of Proposed Rule Amendments Pertaining to the Employment of Minors in Occupations Involving Explosives and in the Entertainment Industry

Staff reported that as directed by the commission at its October meeting, a Notice of Proposed Rulemaking was filed with the Secretary of State which was published in the

Secretary of State's December 1, 2004 Bulletin. A notice to interested parties regarding the proposed rules was also sent to the bureau's and commission's mailing lists on December 1. Because no comments or requests for a hearing pertaining to the proposed rules were received by December 22, the rules were adopted and became effective on January 3, 2005.

e. Legislative Report

Staff presented a copy of LC 725, legislation proposed by the agency, which would remove the requirement that a mealtime for employees under 16 years of age be provided "at noon," leaving the requirement that a mealtime "not less than 30 minutes" be provided. Staff reported that no other child labor-related legislation was being submitted by the agency and agreed to notify the commission if any other child labor legislation is dropped during the session.

5. OLD BUSINESS

a. Academic Performance Records for Special Work Hours Permit (For Minors Under 16 Years of Age Employed by Parent(s))

Staff presented academic performance records submitted by Aaron D. Sells, owner of Grants Pass Skate Center, for his 13 year-old son, Kody Christopher Sells, and 10 year-old daughter, Rashaun Leann Sells, which was a condition of receiving special work hours permits for the minor children.

6. NEXT MEETING DATE

The commission's next meeting was scheduled for Thursday, April 21, 2005 at 11:00 AM.

7. ADJOURNMENT

Chair Jeff Anderson adjourned the meeting at approximately 11:40 AM.