



Commissioner Brad Avakian
Bureau of Labor and Industries

COMMISSIONER'S MESSAGE – January 12, 2010

Dear Friends:

Happy New Year! I hope a safe and enjoyable holiday was had by all. If you're like me then you're thinking, although the holiday season is a wonderful time of year, that you're ready to get back to work. Part of that may be a function of my job, which gives me regular opportunities to work with really great people to improve the lives of our fellow Oregonians.

I could easily fill this edition of the Commissioner's Message with information about new laws that went into effect on the first of the year, and I do mention some of those below, but I also want to call your attention to our brief year in review. 2009 was a special year for BOLI. Before we get to all of that, though, I want to talk about government accountability.

I see a common thread at the heart of debates over health care reform at the national level and the tax measures on the ballot later this month here in Oregon. The main difference between the two sides on each issue is one of relative trust in government: if we believe that the government we have elected will use our money effectively, then we vote differently than if we believe that our government will squander or misuse it. We must remember, though, that our state and federal governments are not separate and apart from us. Government is nothing but the embodiment of the will of the people and it is critical for all of us, as responsible citizens, to be engaged and informed about what our governments are doing. That's why I hope these newsletters from me are helpful to folks—if they are, please ask your friends and colleagues to [sign up for the Commissioner's Message](#).

Of course, I know that people also want to see honesty and forthrightness before they trust, and I appreciate all of the efforts made in Oregon to do this. I am excited about the possibilities of the new [Oregon budget transparency website](#), launched at the end of December, which will provide information about what happens to money as it comes into and goes out of state government. Please check it out, and provide feedback to the project team so they can make it even more useful.

Finally, a critical part of trust is confidence that when a mistake is made, corrective action will be taken. That is why last week I filed a commissioner's complaint against the Oregon Department of Public Safety Standards and Training, recently headed by John Minnis. You may have heard allegations in the news about sexual misconduct at DPSST, and it is BOLI's responsibility to enforce state and federal laws against sexual harassment and unlawful discrimination by public as well as private employers. This complaint initiates an investigation by our Civil Rights Division to determine whether there is substantial evidence of a civil law violation, and is completely independent of any criminal proceedings. BOLI intends to work cooperatively with DPSST, but we will ensure a thorough, impartial investigation into the very serious allegations that we have heard. You can read more about this case below.

Sincerely,

Brad Avakian
State Labor Commissioner

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.

Mark your calendars –
The Oregon Council on Civil Rights (OCCR)
holds its next public meeting on
January 28, 2010.

OCCR will once again meet at the Portland State Office Building
800 NE Oregon St. Portland, OR 97232
Conference Room 1-A

NEW YEAR MEANS NEW EMPLOYMENT LAWS

PORTLAND, OR- A number of new and revised state laws regarding employment take effect on January 1, according to summary materials released by the Oregon Bureau of Labor and Industries (BOLI). Commissioner Brad Avakian, head of BOLI, also issued a brief statement highlighting some of the changes:

“The New Year brings law changes that both employers and employees need to be aware of. Veterans are now eligible for a lifetime preference in hiring by public employers, most Oregon employees have a stronger right to workplace religious freedom and strong employment protections are now in place for survivors of domestic violence and similar crimes, service members, and private sector employees reporting suspected illegal activity. To stay out of trouble, employers need to know about these laws that may affect how they do business.”

Avakian noted that not all of the employment-related laws enacted by the legislature are within BOLI’s jurisdiction (e.g., changes to unemployment insurance calculations and light-duty assignments for injured state employees are not). BOLI endeavors to track all employment-related law changes as a function of its Technical Assistance for Employers Program (TA), which is the state’s primary education and information resource for employers.

TA is the employer outreach and education arm of BOLI, helping employers to comply with civil rights and other labor and employment laws and preventing unnecessary worker complaints through both free and low-cost resources available online (www.oregon.gov/BOLI/TA), by phone (971-673-0824) and [at public seminars](#).

A comprehensive list of employment-related laws enacted by the Oregon legislature in 2009 is available at http://www.oregon.gov/BOLI/2009_Legislation.shtml.

For more information about BOLI, visit our website [here](#).

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Avakian Files Sex Harassment Complaint against DPSST, John Minnis

PORTLAND, OR- Today Brad Avakian, Commissioner of the Oregon Bureau of Labor and Industries (BOLI), initiated a commissioner's complaint of unlawful practices against the Department of Public Safety Standards and Training (DPSST) and former Director John Minnis. The complaint alleges that, as Director of DPSST, Minnis subjected a female employee to severe and persistent sexual harassment that included requests for sexual favors, unwelcome and inappropriate sexual contact and persistent verbal advances. Oregon law empowers the state labor commissioner to file a complaint when the commissioner has reason to believe an unlawful practice, such as sexual harassment, has occurred.

"I have great respect for all of Oregon's public safety officers and support staff, and I appreciate the critical work that DPSST does to help keep Oregonians safe," said Commissioner Avakian. "Employees in that agency deserve to be safe too, and cases like this are the reason that BOLI's authority to defend civil rights and combat unlawful practices in employment extends to state agencies."

"BOLI is the only state agency with the authority to fight sexual harassment and other forms of discrimination in Oregon workplaces," Avakian added. "A full, impartial investigation needs to be done to assure Oregonians that, especially when working for the state, their rights to a safe, harassment-free workplace will be protected."

A commissioner's complaint allows BOLI to conduct an investigation of DPSST and John Minnis, both individually and as head of DPSST. It does not limit or in any way preclude a victim from pursuing private legal action. After gathering and reviewing information, an investigator from BOLI's Civil Rights Division will determine whether there is substantial evidence of one or more violations of the law.

"BOLI has reason to believe former DPSST Director John Minnis committed unlawful practices by sexually harassing a female employee," Avakian said. "This investigation will allow us to ensure that persons in positions of power and prominence are held to the same standards of accountability that are applied to all others in this state."

DPSST will be defended by the Oregon Attorney General's office as required by law, and is expected to fully cooperate with BOLI's investigation.

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BOLI defends the rights of workers and citizens to equal, nondiscriminatory treatment in workplaces, housing and public accommodations and enforces compliance with state laws relating to wages, hours, and terms and conditions of employment. BOLI is the only state agency empowered to protect workers in these cases and the Labor Commissioner has the ability to issue cease and desist orders, award damages and assess civil penalties for violations of civil rights law. Each year, the bureau fields over 25,000 civil rights inquiries and investigates approximately 2,500 civil rights complaints; in the past two years, BOLI has secured almost \$7 million for Oregon workers.

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2009: A YEAR OF BOLI FIRSTS

2009 was a productive year for BOLI. In FY 2009 the bureau secured almost \$3.5 million for Oregon workers, but that wasn't a unique occurrence: we recovered almost as much in FY 2008. So although nearly \$7 million in two years is a great accomplishment that directly impacts the lives of working Oregonians, let's also recognize some special firsts that BOLI achieved in 2009:

First meeting of the newly appointed Oregon Council on Civil Rights (OCCR) –

Drawing together 25 of Oregon's most experienced and effective champions of civil rights, Commissioner Avakian appointed the OCCR with the directive to build and maintain relationships among community civil rights organizations and between the state and these organizations, and to advise the Labor Commissioner, state agencies and the public on matters related to the education and enforcement of civil rights in Oregon. The next public meeting of this group is coming up—mark your calendar for the afternoon of Jan. 28, 2010.

First presentation of BOLI Business Leadership Awards –

In the three categories of Civil Rights Champion, Fair Workplaces Champion and Workforce Development Champion, BOLI named four winning businesses. The awards were presented at BOLI's (very un-first) 25th Annual Employment Law Conference. In the picture below of our winners, you'll see another first: the first four-legged BOLI Award recipient, Bonsai, who helped accept the Fair Workplaces Champion award for Dogs for the Deaf, Inc. of Central Point.

First review of Prevailing Wage Rate Survey Process –

Commissioner Avakian tasked the Prevailing Wage Advisory Committee (PWAC) with making recommendations to improve the accuracy and user-friendliness of the annual construction industry wage survey. This is the first comprehensive review since the establishment of PWAC and the PWR fee in 1995. The Commissioner is still considering the final decision on several recommendations, but for a preview of the sort of changes coming in 2010, check out [Justin Carinci's article](#) for the Daily Journal of Commerce.



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Upcoming BOLI Events

Date	Event Type	Location	Subject	Contact
Jan. 14	TA Seminar	Portland State Office Bldg.	Effective Supervisory Practices	TA Program @ 971-673-0825
Jan. 26 & 27	TA Seminar	Salem	Leave Laws in OR: a 2-Day Training	TA Program @ 971-673-0825
Jan. 28	OCCR Meeting	Portland State Office Bldg.	The Co-Chairs are developing the agenda	Kate Newhall @ 971-673-0786
Feb. 3 & 4	TA Seminar	Portland State Office Bldg.	Leave Laws in OR: a 2-Day Training	TA Program @ 971-673-0825
Feb. 17	TA Seminar	Eugene	Wage and Hour Laws	TA Program @ 971-673-0825
Feb. 23	TA Seminar	Portland State Office Bldg.	Wage and Hour Laws	TA Program @ 971-673-0825

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