

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE

Bureau of Labor and Industries
Agency and Division

839
Administrative Rules Chapter Number

Amendments to clarify, conform with authorities, correct citations; adoption to implement new statute.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
In the Matter of:

Amendments to OAR 839 Divisions 3, 4, 5, 6, 9 and 10 and Adoption of 839-005-xxxx to implement ORS 659A.550.

Statutory Authority:

ORS 659A.805, 659A.093, 651.061, 654.062

Other Authority:

Statutes Implemented:

ORS chapter 659A, 192.440(3), 192.501(8), 654.062, 345.240, 345.010, 659.850, 408.230, 408.235, 653.060, 652.355

Need for the Rule(s):

Amendments to rules to clarify, conform with authorities, correct citations. The purposes of the amendments are to clarify procedure for housing discrimination settlements; replace "complainant" with "aggrieved person" in conformance with statute, replace "OSEA" with the statutory cite for the Oregon Safe Employment Act; conform career school rules by editing in new statutory definition for "agent;" clarify that veteran preference voluntary hiring by private employer does not preclude discrimination complaint regarding hiring; clarifying when an injured worker's former position still exists; clarifications under OFLA about sick child leave, bereavement leave, definition of marriage, spouse, definition of child, employee discipline for failure to give notice of OFLA leave, editing "calendar" references, clarifying OFLA provisions regarding employer payment of benefits, clarifying relationship between workers' compensation and OFLA with respect to employer relationship to employee, and other clarifications and edits based on current law. Adoption of rule to implement ORS 659A.550, discrimination based on employment status.

Documents Relied Upon, and where they are available:

None

Fiscal and Economic Impact:

None anticipated.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None anticipated.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

All businesses in Oregon with one or more employees are subject to many of the rules; however the amendments are within current statutes and do not add requirements not already in statute.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None anticipated.

c. Equipment, supplies, labor and increased administration required for compliance:

None anticipated.

How were small businesses involved in the development of this rule?

Small businesses are well represented on our rules notice list. We also plan to invite them specifically to comment on the rule amendments.

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

We will convene a rules advisory committee for purposes of asking for their input on these rule amendments.

12-03-2014 5:00 p.m.	Marcia Ohlemiller	Marcia.L.Ohlemiller@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

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