

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

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SECRETARY OF STATE

Bureau of Labor and Industries

839

Agency and Division

Administrative Rules Chapter Number

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RULE CAPTION

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

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

RULEMAKING ACTION

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

ADOPT:

839-005-xxxx regarding discrimination based on employment status under ORS 659A.550.

AMEND:

839-003-0005, 0010, 0020, 0025, 0031, 0040, 0045, 0050, 0055, 0060, 0065, 0070, 0080, 0085, 0090, 0095, 0100, 0200, 0215, 0220, 0225, 0235 and such other Division 3 rules as may be necessary.

839-004-0001, 0004, 0011, 0016, 0021 and such other Division 4 rules as may be necessary.

839-005-0000, 0003, 0005, 0026, 0031, 0075, 0195, 0200, 0205, 0206, 0210, 0305, 0400 and such other Division 5 rules as may be necessary.

839-006-9435, 1030 and such other Division 6 rules as may be necessary.

839-009-0210, 0230, 0240, 0250, 0260, 0270, 0330, 0340, 0370, 0380, 0390 and such other Division 9 Rules as may be necessary.

839-010-0100 and such other Division 10 rules as may be necessary.

REPEAL:

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

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

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

RULE SUMMARY

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.

A public 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 the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative

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

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.