

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

<u>Bureau of Labor and Industries</u>	839
<u>Agency and Division</u>	<u>Administrative Rules Chapter Number</u>
<u>Marcia Ohlemiller</u>	<u>(971) 673-0784</u>
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<u>Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232</u>	
<u>Address</u>	

RULE CAPTION

Conforms civil rights rules to provisions of HB 2036, HB 2828 and HB 3482 (2011).

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:

839-005-0125; 839-005-0130; 839-005-0135; 839-005-0175; 839-009-0364 **839-005-0075**

AMEND:

839-005-0033; 839-005-0060; 839-005-0065; 839-005-0070; 839-005-0080; 839-005-0085; 839-005-0160; 839-005-0170 and other Division 5 rules as necessary; 839-006-0200; 839-006-0202; 839-006-0205; 839-006-0206; 839-006-0212; 839-006-0240; 839-006-0242; 839-006-0244; 839-006-0250; 839-006-0255; 839-006-0265; 839-006-0270; 839-006-0275; 839-006-0280; 839-006-0290; 839-006-0295; 839-006-0300; 839-006-0305; 839-006-0307; 839-006-0310; 839-006-0320; 839-006-0330; 839-006-0332; 839-006-0335 and other Division 6 rules as necessary; 839-009-0325; 839-009-0330; 839-009-0335; 839-009-0340; 839-009-0345; 839-009-0350; 839-009-0355; 839-009-0360; 839-009-0362; 839-009-0363; 839-009-0365 and other Division 9 rules as 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.

OAR 839-005-0033 to 839-005-0120 and Division 5 rules as necessary; Division 6 rules as necessary; Division 9 rules as necessary.

Statutory Authority:

ORS 659A.805

Other Authority:

HB 2036, HB 2828, HB 3482, Oregon Legislative Assembly 2011.

Statutes Implemented:

HB 2036 (corrects references that relate to employment to refer only to employment-related disability statutes; allows BOLI to enforce law providing protected leave to attend a criminal proceeding; & clarifies that an employer may consider the credit history of applicants for public safety officer employment), HB 2828 (Creates unlawful employment practice if employer ceases to provide insurance during period employee is serving as juror), & HB 3482 (adds "harassment" to Crime Victim leave & discrimination provisions), Oregon Legislative Assembly 2011; ORS 659A.112 - 659A.139; ORS 659A.270 - 659A.290; ORS 659A.303; ORS 659A.855; ORS 659A.885.

RULE SUMMARY

The proposed rules would implement HB 2036, which 1) corrects references in ORS 659A.106 that relate to employment to refer only to employment-related disability statutes (ORS 659A.112-659A.139); 2) allows BOLI to enforce law providing protected leave to attend a criminal proceeding (ORS 659A.194(2)); and 3) clarifies that an employer may consider the credit history of applicants for public safety officer employment.

The proposed rules would implement provisions of HB 2828, creating an unlawful employment practice if an employer who employs 10 or more people ceases to provide health, disability, life or other insurance during a period in which the employee is serving or is scheduled to serve as juror and the employee notified the employer of election to have coverage continue.

The proposed rules would implement provisions of HB 3482, adding "harassment" to crime victim protections, and allows a state employee in an unclassified or exempt position, who is not a confidential, managerial or supervisory employee, to be accompanied by an individual

an unclassified or exempt position, who is not a confidential, managerial or supervisory employee, to be accompanied by an individual selected by the victimized employee to be present during an interview between the employer and employee.

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 economic impact of the rule on business.

<u>12-30-2011 Close of Business</u>	<u>Marcia Ohlemiller</u>	<u>Marcia.L.Ohlemiller@state.or.us</u>	<u>11-10-11 1:10p.m.</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

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