

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Bureau of Labor and Industries, Civil Rights Division
Agency and Division

839
Administrative Rules Chapter Number

In the Matter of:

New and amended rule language to conform complaint procedures with the Oregon Safe Employment Act.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Temporary rules establishing that complaints under ORS 654.062 need not be notarized.

Statutory Authority: ORS 659A.805

Other Authority: ORS 654.062

Stats. Implemented: ORS 659A.820 & 654.062

Need for the Temporary Rule(s):

Current rules require that complaints filed under the Oregon Safe Employment Act (OSEA) contain a notarized signature of the complainant. BOLI investigates retaliation complaints filed under OSEA statutes pursuant to a contract with Oregon OSHA. The federal Occupational Safety and Health Administration (OSHA) and Oregon OSHA have expressed concern that requirement of a notarized complaint is a barrier to timely investigations of matters involving threats to workplace safety, and have asked that BOLI clarify that complaints filed under ORS 654.062 do not require notarization.

The temporary rules are required in order for the complaint requirements to be consistent with OSEA statutes.

Documents Relied Upon, and where they are available:
ORS 654.062, available in ORS publications.

Justification of Temporary Rule(s):

The temporary rules will revise rules stating that complaints filed under OSEA are required to contain the notarized signature of the complainant. The temporary rules will remove language indicating that complaints filed under OSEA must be filed with a notarized signature from the complainant. This distinction is necessary to permit complainants to file a complaint under OSEA within the 90 days required by statute without obtaining a notarized signature.



Authorized Signer

Brad Avakian

Printed name

June 13, 2012

Date