Memo

NOTICE OF PERMANENT RULEMAKING HEARING

DATE: September 27, 2019

TO: Legislators and Interested Parties

FROM: Erin Seiler, Senior Policy Advisor

RE: Permanent Rulemaking amending:

OAR 839-020-0051 Rest Periods for Expression of Milk

RULE CAPTION:
Amends Rest Periods for Expression of Milk rules to implement OL CH. 118 (2019)

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

NOTICE: On September 26, 2019, the Oregon Bureau of Labor and Industries filed a Notice of Proposed Permanent Rulemaking Hearing, with the Oregon Secretary of State, to amend the above referenced administrative rule regarding rest periods for expression of milk.

In 2019, the Oregon Legislature passed House Bill 2593 which expanded the protections for employees with a need to express milk. The measure made several changes to the current statute: Removed limitations on frequency and duration of rest periods employer must provide employee to express milk; limited ability to claim undue hardship to employers who have 10 or fewer employees; and extended requirements to all employers by removing exemption for employers with fewer than 25 employees.

The Bureau of Labor and Industries administrative rules related to rest periods for the expression of milk included language that directly mirrored statutory language repealed by HB 2593 and limited application the law to covered employers. Therefore, the proposed amendments to the current rules regarding rest periods for expression of milk are only for the purpose of aligning directly with the statutory changes.
A public hearing is scheduled for 1:00 p.m. on October 17, 2019 at the Oregon Bureau of Labor and Industries, 800 NE Oregon St. #1045, Portland, OR, 97232.

The deadline for public comment on the proposed rules is 5:00 p.m. on October 21, 2019. Members of the public are welcome to submit comments by mail or email prior to this deadline.

ATTACHMENTS: Attached are the Notice of Proposed Rulemaking Hearing, the Statement of Need and Fiscal Impact, and a copy of the rules showing the proposed amendments.

COMMENTS: Comments may be emailed to Erin Seiler at erin.seiler@state.or.us or mailed to Erin Seiler c/o BOLI, 800 NE Oregon St. #1045, Portland OR 97232.