

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

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Bureau of Labor and Industries

839

Agency and Division

Administrative Rules Chapter Number

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RULE CAPTION

Hearing 5/15/15, 9-11 am, on amending rule regarding agency response to objections to investigative subpoenas.

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

Hearing Date	Time	Location	Hearings Officer
5-15-15	9:00 a.m.	Oregon State Office Building, Room 1-D, 800 NE Oregon St., Portland	BOLI employee tbd

RULEMAKING ACTION

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

ADOPT:

AMEND:

839-002-0065

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 651.060, 658.220 and 659A.800

Other Authority:

Statutes Implemented:

ORS chapters 279C, 651, 652, 653, 658 and 659A

RULE SUMMARY

The amended rule would clarify the procedure by which BOLI enforcement divisions would respond to an objection filed by a person served with an investigative subpoena by clarifying timelines for objecting to subpoenas and for the division's response to objections and by cross referencing the administrative rule setting out permissible grounds for objections. The amendment would provide for division discretion in responding to objections based on cost of compliance with a subpoena, allowing the division to determine use of its resources based on circumstances rather than mandatorily. The amendment would also clarify that the division may engage in communication with a person objecting to a subpoena to determine whether the division's objective and objecting person's concerns can be addressed by mutual agreement, avoiding costly enforcement actions.

The bureau filed a Notice of Proposed Rulemaking in this matter on February 22, 2015. The Notice stated that the last date for public comment on the proposed rule amendments was April 21, 2015. On April 13, 2015, the bureau Rules Coordinator received an email from an organization with 10 or more members, requesting that a public hearing be held. This Notice of Rulemaking Hearing responds to that request.

The hearing will be held on Friday, May 15, 2015 from 9 to 11 am in Room 1-D of the Portland State Office Building, 800 NE Oregon St., Portland, OR 97232.

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.

05-15-2015 5:00 p.m.

Marcia Ohlemiller

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Last Day (*m/d/yyyy*) 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.