NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 839
BUREAU OF LABOR AND INDUSTRIES

FILING CAPTION: Voluntarily disclosure of apprentice information for purposes of state reporting to PRISM.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/21/2019 5:00 PM

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. A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearings 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.

CONTACT: Jessica Ponaman
971-673-0771
ponamanj@state.or.us

800 NE Oregon St. #1045
c/o BOLI
Portland, OR 97232

Filed By:
Marcia Ohlemiller
Rules Coordinator

NEED FOR THE RULE(S):
Clarifying that the disclosure of Social Security Numbers for purposes of reporting to PRISM is voluntary. This rule is consistent with public records and confidentiality laws, rules and regulations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:
No documents associated with this rule filing.

FISCAL AND ECONOMIC IMPACT:
No fiscal and economic impact is anticipated because the rules pertain to interagency reporting requirements.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment, supplies, labor and increased administration required to comply with the rule(s).

No state agencies, units of local government and members of the public likely to be economically affected by the rule. No anticipated costs for small businesses and no requirement for reporting, recordkeeping, or administrative activities. No anticipated costs associated for professional services, equipment supplies, labor. There is no anticipated increase in administration expenses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO  IF NOT, WHY NOT?
The rule is being amended to comply with existing state laws.

AMEND: 839-011-0088

RULE SUMMARY: Modify rule to permit voluntary disclosure of apprentice information to the Performance Reporting Information System (PRISM). An apprentice may opt in or out of disclosing their information. Disclosure to PRISM is entirely voluntary and not required for apprenticeship registration.

CHANGES TO RULE:

839-011-0088
Apprenticeship and Training Committees - Registration of Apprenticeship Agreements ¶

(1) The Council delegates registration of apprenticeship agreements to the Division and recognizes an agreement as registered when:
(a) It is on a form that has been approved pursuant to ORS [Chapter] 660.020 and issued by the Division;
(b) Information requested on the form as authorized by ORS [Chapter] 660.020 has been supplied by the apprentice. The requested information includes, but is not limited to, the apprentice's Social Security Number for identification purposes, the number of hours to be spent in related instruction in technical subjects related to the occupation, that is recommended to be not less than 144 hours per year; and a statement indicating whether and under what circumstances an apprentice is entitled to be financially compensated for attending related instruction;
(c) It has been signed by the apprentice and the local joint committee. Approval must be recorded as soon as possible at a committee meeting; and
(d) The agreement has been submitted to and received by a representative of the Division.

(2) The Division may request that the apprentice voluntarily disclose the apprentice's Social Security number for use in Oregon's Performance Reporting Information System (PRISM) established under ORS 657.734.

(3) The effective starting date of an apprenticeship agreement in non-licensed trades shall be not more than forty five (45) days prior to the date that a fully executed original agreement and committee minutes approving the registration are received by a representative of the Division. In the licensed trades, the effective starting date of an apprenticeship shall not commence before a fully executed apprenticeship agreement is received by a representative of the Division, unless the committee has written authorization from the Division to issue an initial license and operates in accordance with the conditions of authorization.

(4) Local committees shall develop and implement a policy and procedures detailing the process for evaluating previous experience and demonstrated competency in a uniform manner and awarding advanced standing to new apprentices for on-the-job or related training.
(a) The committee may grant credit for prior experience based upon demonstrated competency for any time previously spent by the apprentice in the trade or occupation that the committee considers applicable to the work processes in the program standards.
(b) In licensed trades, only lawfully obtained and documented experience that specifically applies to an Oregon license may be considered in granting credit for prior experience.

(45) All apprenticeship agreements will be maintained in the Division's main office.
Statutory/Other Authority: ORS 657.734, ORS 660.120(3)
Statutes/Other Implemented: ORS 657.732, 660.060(8)4, ORS 660.137, ORS 660.020