

Oregon Administrative Rule 471-030-0036 – Eligibility Factors

Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
Section 1				
Covers the department’s authority to determine suitable work when determining weekly eligibility.				
(1)	In considering suitable work factors under ORS 657.190 and for purposes of determining eligibility under 657.155(1)(c), the Director may require an individual to actively seek the type of work the individual is most capable of performing due to prior job experience and training <i>except that</i> :	In considering suitable work factors under ORS 657.190 and for purposes of determining eligibility under 657.155(1)(c), the Director may require an individual to actively seek the type of work the individual is most capable of performing due to prior job experience and training. If they are unable to secure their customary type of work, or that type of work is not available during the days and hours for which the individual is available , the Director may require them to seek work of another type for which they are capable of performing by virtue of experience and training.	Original section (1) remains mostly the same. We removed “except that” and ended the sentence. Proposed section (1) incorporates the wording of (1)(a) and (1)(b).	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change. Removal of the term “less desirable but similar work” does not mean claimants can refuse to look for suitable work as defined by OED employees. This section of the rule was rewritten to remove redundant language.
(1)(a)	If <i>an individual</i> is unable to secure <i>the individual's</i> customary type of work <i>after contacting the potential employers in their labor market</i> or if the individual is unable to meet the requirements of section (3) of this rule, the	No section (1)(a)	Original section (1)(a) has been incorporated into proposed section (1).	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change.

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	<i>Director may require the individual to seek less desirable but similar work or work of another type which the individual is capable of performing by virtue of experience and training.</i>			This section of the rule was removed due to redundant language.
(1)(b)	<i>If the type of work an individual is most capable of performing does not exist in the labor market where the individual is claiming benefits, the Director may require the individual to seek any work that exists in the labor market for which the individual is suited by virtue of experience and training.</i>	No section (1)(b)	Original section (1)(b) has been incorporated into proposed section (1).	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This section of the rule was removed due to redundant language.
(1)(c)	<i>After the individual has contacted the potential employers in the labor market where benefits are being claimed and is still unable to obtain work as described in (1)(a) and (b) of this section, the Director may require the individual to further expand work-seeking activities.</i>	No section (1)(c)	Original section (1)(c) has been incorporated into proposed section (1). Also, proposed section (5)(e), (A)-(C) on pages 35-37 provides more detail on expanding and modifying a claimant's work-seeking activities.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This section of the rule was removed due to redundant language.

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Section 2 Covers the individual being able to work.				
(2)	For the purposes of ORS 657.155(1)(c), an individual shall be considered able to work in a particular week <i>only if</i> physically and mentally capable of performing the work the individual is actually <i>is</i> seeking <i>during all of the week except</i> :	For the purposes of ORS 657.155(1)(c), an individual shall be considered able to work in a particular week unless they :	Original section (2) was claimants are only eligible if they meet the criteria and adds exceptions to meeting the criteria. Proposed section (2) is they are eligible unless they do not meet the criteria detailed in proposed section (2)(a) and (b).	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change. This section of the rule was rewritten to remove “during all of the week except” because it is not needed as original section (2)(a) contains an exception for the same amount of time as proposed section (2)(a). OED updated the wording to change the rule from “not eligible if” to “eligible unless.”
(2)(a)	<i>An occasional and temporary disability for less than half of the week shall not result in a finding that the individual is unable to work for that week; and</i>	Are not physically or mentally capable of performing the work the individual is seeking for more than half of the week because of illness, injury, or disability; or	Original section (2)(a) has been moved to proposed section (4) on page 22.	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change.

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				Removed the word “temporary” as anything more than half the week is a denial for not being able to work. Permanent or long-term disability is moved to proposed section (4) on page 22.
(2)(b)	An individual with a permanent or long-term "physical or mental impairment" (as defined at 29 CFR 1630.2(h)) <i>which prevents the individual from working full time or during particular shifts</i> shall not be deemed unable to work solely on that basis so long as <i>the individual</i> remains available for some work.	Have an opportunity to perform suitable work during the days and hours for which they are normally available for work and are unable to accept or report for such work because of illness, injury, or disability.	Moved original section (2)(b) to proposed section (4) on page 22. Proposed section (2)(b) adds that claimants who miss an opportunity for suitable work, even if they are able more than half the week will be denied.	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change. The original section was moved to a standalone section because it was listed in original section (2)(b) and (3)(e). We added that claimants are not eligible if they miss an opportunity to work to ensure we can still deny if a claimant misses an opportunity to work.

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Section 3				
Covers the individual being available for work.				
(3)	For the purposes of ORS 657.155(1)(c), an individual shall be considered available for work <i>if, at a minimum, the individual is:</i>	For the purposes of ORS 657.155(1)(c), an individual shall be considered available for work unless they:	Original section (3) and proposed section (3) have similar wording.	<p>The anticipated impact to claimants from the proposed rule change in this section is a reduction in the need to investigate non-issues. These investigations cause delays in the payment of benefits to eligible claimants.</p> <p>OED will continue to investigate reported issues and determine eligibility, but we anticipate a reduction in the number of non-issues to investigate. This should positively impact customer service and the administration of the program.</p> <p>There is no anticipated impact to employers from the proposed rule in this section.</p>

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				This section of the rule was rewritten to remove references to specific availability issues and focus.
(3)(a)	<i>Willing to work full time, part time, and accept temporary work opportunities, during all of the usual hours and days of the week customary for the work being sought, unless such part time or temporary opportunities would substantially interfere with return to the individual's regular employment; and</i>	Have an opportunity to perform suitable work during the days and hours of the week they are normally available to work and fail to accept or report for such work; or	Original section (3)(a) covers all the days and hours of the week customary for the claimant's occupation. Proposed section (3)(a) is the beginning of the proposed redefinition of availability for all situations, incorporates the days and hours a claimant must be available as the department defines. This incorporates wording from (3)(f)(A) on page 14.	The anticipated impact to claimants from the proposed rule change in this section is a reduction in the need to investigate non-issues. These investigations cause delays in the payment of benefits to eligible claimants. OED will continue to investigate reported issues and determine eligibility, but we anticipate a reduction in the number of non-issues to investigate. This should positively impact customer service and the administration of the program. There is no anticipated impact to employers

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				<p>from the proposed rule in this section.</p> <p>This rule was rewritten to redefine availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.</p>
(3)(b)	<i>Capable of accepting and reporting for any suitable work opportunities within the labor market in which work is being sought, including temporary and part time opportunities; and</i>	Are absent from their normal labor market area for reasons unrelated to work search for more than half of the week unless:	<p>Original section (3)(b) is incorporated into proposed section (3)(a) as part of the proposed new definition of availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.</p> <p>Proposed section (3)(b) is similar to original sections (3)(d)(B) on page 10 and required by ORS 657.155(2)(a) and (b).</p>	<p>The anticipated impact to claimants from the proposed rule change in this section is a reduction in the need to investigate non-issues. These investigations cause delays in the payment of benefits to eligible claimants.</p> <p>OED will continue to investigate reported issues and determine eligibility, but we anticipate a reduction in the number of non-issues to investigate. This should positively</p>

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				<p>impact customer services and the administration of the program.</p> <p>There is no anticipated impact to employers from the proposed rule in this section.</p> <p>This rule was rewritten to redefine availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.</p>
(3)(b)(A)	No section (3)(b)(A)	They are accessible to work in the area visited, and	Proposed section (3)(b)(A) is similar to original sections (3)(d), (A) and (B) and is required by ORS 657.155(2)(a) and (b).	<p>There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change.</p> <p>This rule was rewritten to simplify the wording.</p>
(3)(b)(B)	No Section (3)(b)(B)	Their reason for travel does not prevent them from being	Proposed section (3)(b)(B) is similar to original sections	There is no anticipated impact to claimants or

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		willing and capable of working in the area visited; or	(3)(d), (A) and (B) and is required by ORS 657.155(2)(a) and (b).	employers from the proposed rule and OED’s administration of the program will not change. This rule was rewritten to simplify the wording.
(3)(c)	<i>Not imposing conditions which substantially reduce the individual's opportunities to return to work at the earliest possible time; and</i>	Are not legally authorized to work more than half of the week; or	Original section (3)(c) is incorporated into proposed section (3)(a) on page 6. Because the proposed new definition of availability is not missing an opportunity to work, not being absent from their labor market for more than half the week and being legally authorized to work this was not needed. Being legally authorized to work in proposed section (3)(c) has always been an availability issue, adding “more than half the week” provides adjudication guidance.	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change. This rule was rewritten to redefine availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.
(3)(d)	<i>Physically present in the normal labor market area as defined by section (6) of this rule, every day of the week, unless:</i>	Reside or spend more than half of the week:	Original section (3)(d) is reworded as part of proposed section (3)(b).	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of

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			Proposed section (3)(d) was the requirement in original section (3)(i) on page 19.	the program will not change. This rule was rewritten to simplify the wording.
(3)(d)(A)	<i>The individual is actively seeking work outside his or her normal labor market area; or</i>	In Canada and are not authorized to work in Canada;	Original section (3)(d)(A) is reworded as part of proposed section (3)(b). Proposed section (3)(d)(A) has similar wording to original section (3)(i)(A) on page 19.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This rule was rewritten to simplify the wording.
(3)(d)(B)	<i>The individual is infrequently absent from the normal labor market area for reasons unrelated to work search, for less than half of the week, and no opportunity to work or referral to work was missed by such absence.</i>	In a country not included in the Compact of Free Association with the United States of America; or	Original section (3)(d)(B) is reworded as part of proposed section (3)(b). Proposed section (3)(d)(B) is the same wording in original section (3)(i)(B) on page 20.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This rule remains the same, but the subsection has changed.
(3)(d)(C)	No section (3)(d)(C)	Outside of the United States, District of Columbia or any territory or political division that is directly overseen by the	Proposed section (3)(d)(C) is the same wording in original section (3)(i)(C) on page 20.	There is no anticipated impact to claimants or employers from the proposed rule and

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		United States federal government; except,		OED's administration of the program will not change. This rule remains the same, but the subsection has changed.
(3)(d)(C)(i)	No section (3)(d)(C)(i)	They are the spouse or domestic partner of an individual stationed at a military base or embassy located outside the United States;	Proposed section (3)(d)(C)(i) has similar wording to (3)(i)(C)(i) on pages 20-21.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This rule was rewritten to simplify the wording.
(3)(d)(C)(ii)	No section (3)(d)(C)(ii)	Job opportunities exist on the military base or embassy for family members of those stationed there; and	Proposed section (3)(d)(C)(ii) is the same wording as (3)(i)(C)(ii) on page 21.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This rule remains the same, but the subsection has changed.

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(3)(d)(C)(iii)	No section (3)(d)(C)(iii)	They live within a reasonable commuting distance to job opportunities at the military base or embassy.	Proposed section (3)(d)(C)(iii) has similar wording to (3)(i)(C)(iii) on page 21.	<p>There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change.</p> <p>This rule remains the same, but the subsection has changed.</p>
(3)(e)	<i>However, an individual with a permanent or long-term physical or mental impairment (as defined at 29 CFR 1630.2(h)) which prevents the individual from working full time or during particular shifts shall not be deemed unavailable for work solely on that basis so long as the individual remains available for some work.</i>	No section (3)(e)	Moved original (3)(e) to proposed section (4) on page 22, as 29 CFR 1630.2(h) applies to "able" and "available."	<p>There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change.</p> <p>The original section was moved to a standalone section because it was listed in original section (2)(b) and (3)(e).</p> <p>This rule was rewritten to remove redundant wording.</p>
(3)(f)	<i>For the purposes of ORS 657.155(1)(c), an individual is</i>	No section (3)(f)	Original section (3)(f) contains specific availability situations	The anticipated impact to claimants from the

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	<i>not available for work in any week claimed if:</i>		that are now incorporated into proposed section (3)(a).	<p>proposed rule change in this section is a reduction in the need to investigate non-issues. These investigations cause delays in the payment of benefits to eligible claimants.</p> <p>OED will continue to investigate reported issues and determine eligibility, but we anticipate a reduction in the number of non-issues to investigate. This should positively impact customer service and the administration of the program.</p> <p>There is no anticipated impact to employers from the proposed rule in this section.</p> <p>This rule was rewritten to redefine availability as not missing an opportunity to work, not</p>

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				being absent from their labor market for more than half the week, and being legally authorized to work.
(3)(f)(A)	<i>The individual has an opportunity to perform suitable work during the week and fails to accept or report for such work.</i>	No section (3)(f)(A)	Original section (3)(f)(A) is now part of proposed section (3)(a) on pages 6-7. Claimants are not available if they miss an opportunity for suitable work.	<p>There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change.</p> <p>This rule was modified slightly and moved to a different subsection.</p>
(3)(f)(B)	<i>During the week, the individual is incarcerated during any days or hours customary for the type of work the individual is seeking.</i>	No section (3)(f)(B)	Original section (3)(f)(B) is now part of proposed section (3)(a) on pages 6-7. Because the proposed new definition of availability is not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work this was not needed.	<p>The anticipated impact to claimants from the proposed rule change in this section is the potential for receiving benefits in a week they may have been denied.</p> <p>There is an anticipated potential minor impact to employers from the proposed rule in this section. A claimant who is denied a single week could now receive</p>

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				<p>benefits that week if the claimant does not exhaust their claim.</p> <p>This rule was removed to provide more equitable treatment of claimants whose occupations are customarily performed in more than 1 shift.</p>
(3)(f)(B)(i)	<i>“Incarcerated” means in custody at a city, county, state, or federal law enforcement or correctional facility to include any “arrest” as defined in ORS 133.005 or a similar law in another state or jurisdiction.</i>	No section (3)(f)(B)(i)	Original section (3)(f)(B)(i) is not included in proposed section (3)(a) as this definition is not needed for an investigation if the claimant misses an opportunity for suitable work or if they are out of their labor market for more than half the week.	<p>There is no anticipated impact to claimants or employers from removing this definition from proposed rule.</p> <p>This rule is not needed since the proposed rule redefines availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.</p>
(3)(f)(B)(ii)	<i>When an individual is in an alternative sentencing facility operated pursuant to a community corrections plan that individual will not be</i>	No section (3)(f)(B)(ii)	Original section (3)(f)(B)(ii) is not included in proposed section (3)(a) as this definition is not needed for an investigation if the claimant	There is no anticipated impact to claimants or employers from removing this definition from the proposed rule.

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
	<i>considered unavailable for work solely because of their non-traditional custody. Alternative sentencing is defined by the jurisdiction responsible for supervision of the suspect or offender.</i>		misses an opportunity for suitable work or if they are out of their labor market for more than half the week.	This rule is not needed since the proposed rule redefines availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.
(3)(f)(B)(iii)	<i>“Incarcerated” does not include a “stop” as authorized under ORS 131.605 to 131.625.</i>	No section (3)(f)(B)(iii)	Original section (3)(f)(B)(iii) is not included in proposed section (3)(a) as this definition is not needed for an investigation if the claimant misses an opportunity for suitable work or if they are out of their labor market for more than half the week.	There is no anticipated impact to claimants or employers from removing this definition from the proposed rule. This rule is not needed since the proposed rule redefines availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.
(3)(f)(B)(iv)	<i>“Incarcerated” does not mean being involved in questioning by peace officers as part of an investigation where the</i>	No section (3)(f)(B)(iv)	Original section (3)(f)(B)(iv) is not included in proposed section (3)(a) as this definition is not needed for an	There is no anticipated impact to claimants or employers from

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	<i>individual is free to leave and not charged with a crime.</i>		investigation if the claimant misses an opportunity for suitable work or if they are out of their labor market for more than half the week.	removing this definition from the proposed rule. This rule is not needed since the proposed rule redefines availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.
(3)(g)	<i>An individual will be considered not available for work if the individual fails or refuses to seek the type of work required by the Director pursuant to section (1) of this rule.</i>	No section (3)(g)	Original section (3)(g) is included in proposed section (5)(e) on pages 35-36 as this is about work search activities.	There is no anticipated impact to claimants or employers from the proposed rule. This rule was removed from this subsection as it provides guidance on actively seeking work not availability.
(3)(h)	<i>Providing the individual is otherwise eligible for benefits pursuant to OAR 471-030-0036(3)(a) through (g), a person who has been found to be qualified for benefits under the provisions of ORS 657.176(2)(f) or (g) or 657.176(9)(b)(A) shall</i>	No section (3)(h)	Original section (3)(h) is now part of proposed section (3)(a) on pages 6-7 . Because the proposed new definition of availability is not missing an opportunity to work, not being absent from their labor market for more than half the week,	The anticipated impact to claimants from the proposed rule change in this section is removing potential delays in paying benefits to eligible claimants caused by OED team

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	<i>be considered available for work only during weeks in which the individual is enrolled in and participating in a recognized drug or alcohol treatment program if such participation was a condition in the determination to allow benefits. This provision does not apply if the individual has satisfactorily completed the course of treatment in accordance with the terms and conditions of the recognized treatment program.</i>		and being legally authorized to work this is not needed. ORS 657.176(2)(f) or (g) and ORS 657.176(9)(b)(A) determine initial eligibility for benefits.	<p>members verifying if they have continued participation.</p> <p>There is no anticipated impact to employers from the proposed rule as employers may request relief of charges if the claimant is allowed benefits under ORS 657.176(2)(f) or (g).</p> <p>This rule was removed to remove an unnecessary administrative process.</p>
(3)(h)(A)	<i>An individual is participating when engaged in a course of treatment through a recognized drug or alcohol rehabilitation program;</i>	No section (3)(h)(A)	Original section (3)(h)(A) is not included in proposed section (3)(a) as this definition is not needed for an investigation if the claimant misses an opportunity for suitable work or if they are out of their labor market for more than half the week.	<p>There is no anticipated impact to claimants or employers from the proposed rule as this is a definition used in the administration of section (3)(h).</p> <p>This rule was removed as it is no longer needed.</p>
(3)(h)(B)	<i>A recognized drug or alcohol rehabilitation program is a program authorized and</i>	No section (3)(h)(B)	Original section (3)(h)(B) is not included in proposed section (3)(a) this definition is not needed for an investigation if	There is no anticipated impact to claimants or employers from the proposed rule as this is

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	<i>licensed under the provisions of OAR chapter 415.</i>		the claimant misses an opportunity for suitable work or if they are out of their labor market for more than half the week.	a definition used in the administration of section (3)(h). This rule was removed as it is no longer needed.
(3)(i)	<i>An individual is not available for work in any week claimed under ORS 657.155 if the individual resides or spends the major portion of the week:</i>	No section (3)(i)	Original section (3)(i) restated the first part of original section (3) so that wording was removed in proposed section (3)(d) on pages 9-10. We updated “major portion of the week” in the original section (3)(i) to “more than half the week” in proposed section (3)(d).	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change. This rule wording was updated, and the subsection has changed.
(3)(i)(A)	In Canada unless <i>the individual</i> is authorized to work in Canada;	No section (3)(i)(A)	Original section (3)(i)(A) has similar wording as proposed section (3)(d)(A) on page 10.	There is no anticipated impact to claimants or employers from the proposed rule and OED’s administration of the program will not change. This rule wording was modified slightly, and the subsection has changed.

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(3)(i)(B)	In a country not included in the Compact of Free Association with the United States of America; or	No section (3)(i)(B)	Original section (3)(d)(B) is the same wording as proposed section (3)(d)(B) on page 10.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This rule wording is the same and the subsection has changed.
(3)(i)(C)	outside of the United States, District of Columbia or any territory or political division that is directly overseen by the United States federal government; except	No section (3)(i)(C)	Original section (3)(i)(C) is the same wording in proposed section (3)(d)(C) on pages 10-11.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change. This rule wording is the same and the subsection has changed.
(3)(i)(C)(i)	<i>If the individual is</i> the spouse or domestic partner of an individual stationed at a military base or embassy located outside the United States;	No section (3)(i)(C)(i)	Original section (3)(i)(C)(i) has similar wording to proposed (3)(d)(C)(i) on page 11.	There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change.

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				This rule wording is modified slightly and the subsection has changed.
(3)(i)(C)(ii)	Job opportunities exist on the military base or embassy for family members of those stationed there;	No section (3)(i)(C)(ii)	Original section (3)(i)(C)(ii) is the same wording as proposed section (3)(d)(C)(ii) on page 11.	<p>There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change.</p> <p>This rule wording is the same and the subsection has changed.</p>
(3)(i)(C)(iii)	<i>The individual</i> lives within a reasonable commuting distance to job opportunities at the military base or embassy; <i>and</i>	No section (3)(i)(C)(iii)	Original section (3)(i)(C)(iii) has similar wording to proposed (3)(d)(C)(iii) on page 12.	<p>There is no anticipated impact to claimants or employers from the proposed rule and OED's administration of the program will not change.</p> <p>This rule wording was modified slightly and the subsection has changed.</p>
(3)(i)(C)(iv)	<i>The individual is willing to accept the conditions and</i>	No section (3)(i)(C)(iv)	Original section (3)(i)(C)(iv) was not incorporated into	There is no anticipated impact to claimants or

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	<i>terms of the available employment provided they are not inconsistent with ORS 657.195.</i>		proposed section (3)(d)(C) as it is redundant, all work must be suitable.	employers from the proposed rule and OED's administration of the program will not change. This rule was removed as it is redundant, all work must be suitable.
Section 4 Covers federal conformity to CFR 1630-2(h).				
(4)	<i>Notwithstanding the provisions of OAR 471-030-0036(3), an individual with a circumstance which restricts their availability such as, but not limited to, lack of childcare, caring for an immediate family member or another person in their household, lack of transportation, or attendance in school or training to improve their job skills or long-term employment opportunities, will not be deemed unavailable for work if:</i>	For the purposes of sections (2) and (3) of this rule , an individual with a permanent or long-term physical or mental impairment (as defined at 29 CFR 1630.2(h)) that prevents them from working for more than half of the week shall not be deemed unable to work or unavailable for work solely on that basis, so long as they remain able to perform, and available for, some work.	Original section (4) outlines flexibility for specific availability issues. This flexibility has been incorporated into proposed section (3)(a) on pages 6-7. Because the proposed new definition of availability is not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work this was not needed. Proposed section (4) is the similar to original (2)(b) on page 4 , and (3)(e) on page 12.	There is no anticipated impact to claimants or employers from removing this section from the proposed rule. This rule is not needed since the proposed rule redefines availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
(4)(a)	<i>The work the individual is seeking or is otherwise willing to seek is customarily performed during other days and hours in the individual's normal labor market area as defined by OAR 471-030-0036(6); and</i>	No section (4)(a)	<p>Original section (4)(a) provides guidelines for flexibility for specific availability issues.</p> <p>This flexibility has been incorporated into proposed section (3)(a) on pages 6-7. Because the proposed new definition of availability is not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work this was not needed.</p>	<p>There is no anticipated impact to claimants or employers from removing this section from the proposed rule.</p> <p>This rule is not needed since the proposed rule redefines availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work.</p>
(4)(b)	<i>The individual is willing and capable of working full time during other days and hours for which they could reasonably expect employers to schedule them.</i>	No section (4)(b)	<p>Original section (4)(b) provides guidelines for flexibility for specific availability issues. This flexibility has been incorporated into proposed section (3)(a) on pages 6-7. Because the proposed new definition of availability is not missing an opportunity to work, not being absent from their labor market for more than half the week, and being legally authorized to work this was not needed.</p>	<p>There is no anticipated impact to claimants or employers from removing this section from the proposed rule.</p> <p>This rule is not needed since the proposed rule redefines availability as not missing an opportunity to work, not being absent from their labor market for more than half the week, and</p>

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				being legally authorized to work.
<p align="center">Section 5 Covers the individual actively seeking work.</p>				
(5)	<i>This section addresses the requirements for actively seeking work, as required under ORS 657.155(1)(c):</i>	For the purposes of ORS 657.155(1)(c), an individual shall be considered actively seeking work when:	Proposed section (5) is worded similarly to the original section (5).	<p>There is no anticipated impact to claimants or employers from the proposed rule change.</p> <p>The wording was modified for consistency with other sections of the rule.</p>
(5)(a)	<i>Unless the individual is temporarily unemployed, as described in section (b), or a member of a dispatching union, as described in section (c), a federal employee as described in section (d), or otherwise directed by the director or an authorized representative of the Employment Department, they must conduct at least five work-seeking activities per week. Two of the five work-seeking activities must be a direct contact with an employer who might hire the individual.</i>	They make at least two direct contacts per week with employers who hire people with the individual’s skills, training, or experience. “Direct contact” means making contact either in person, by phone, mail, or electronically to inquire about potential work or applying for job openings in the manner required by the hiring employer; or	Proposed section (5)(a) eliminates the redundant wording in the original section (5)(a) and removes the 3 additional work seeking activities. It incorporates the wording in the original section (5)(a)(B).	<p>The anticipated impact to claimants for the proposed rule is a reduction in reporting their work search activities on their weekly certification for benefits.</p> <p>There is no anticipated impact to employers from the proposed rule.</p> <p>The rule was written to remove redundant language, update the language, and remove the 3 additional work-seeking activities that</p>

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				have not been found to increase the quality of a claimant's work search.
(5)(a)(A)	<i>Work seeking activities include but are not limited to registering for job placement services with the Employment Department, attending job placement meetings sponsored by the Employment Department, participating in a job club or networking group dedicated to job placement, updating a resume, reviewing the newspaper or job placement web sites without responding to a posted job opening, and making direct contact with an employer.</i>	No section (5)(a)(A)	Original section (5)(a)(A) is not in the proposed rule as the additional 3 work seeking activities have been removed, so these are not required.	<p>There is no anticipated impact to claimants or employers on the removal of this rule and OED's administration of the program will not change.</p> <p>This rule was removed as these definitions of work-seeking activities are no longer needed.</p>
(5)(a)(B)	Direct contact <i>with an employer</i> means making contact <i>with an employer</i> in person, by phone, mail, or electronically to inquire about a <i>job opening</i> or applying for job openings in the manner required by the hiring employer.	No section (5)(a)(B)	Original section (5)(a)(B) is now incorporated into proposed section (5)(a).	<p>There is no anticipated impact to claimants or employers from the removal of this rule and OED's administration of the program will not change.</p> <p>The wording on this rule was modified slightly and incorporated into section (5)(a).</p>

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
(5)(b)	<i>For an individual who is temporarily unemployed:</i>	They are employer attached and:	Proposed section (5)(b) is the term to describe claimants who have not separated from their employer.	There is no anticipated impact to claimants or employers on the proposed rule in section (5)(b). The wording was updated to indicate they have not separated from their employers.
(5)(b)(A)	<i>They are considered to be actively seeking work when they remain in contact with their regular employer and are capable of accepting and reporting for any suitable work with that employer;</i>	Were not separated from their employer;	Original section (5)(b)(A) is now proposed section (5)(b)(D) but removes the redundant language regarding the actively seeking work requirement. Proposed section (5)(b)(A) begins the requirement definitions with stating the claimant cannot be separated from employment. This is similar to the wording in the original section (5)(b)(C).	There is no anticipated impact to claimants or employers on the proposed rule in section (5)(b)(A). The wording in the proposed rule was modified from the original section (5)(b)(C) and moved to this section.
(5)(b)(B)	<i>There is a reasonable expectation that they will be returning to work for their regular employer. The work the individual is returning to must be full time or pay an amount</i>	There is an expectation they will return to work for that employer;	Original section (5)(b)(B) required a reasonable expectation to return to the same employer and either full-time work or work that paid at least as much as the	There is no anticipated impact to claimants or employers on the proposed rule in section (5)(b)(B).

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
	<i>that equals or exceeds their weekly benefit amount;</i>		<p>individual's weekly benefit amount.</p> <p>Proposed section (5)(b)(B) removed the reasonable expectation as employers will now be asked on the Notice of Claim Filed if the claimant has separated from employment.</p> <p>OED will not need to make a reasonable expectation determination since the employer will tell us if their employee is attached or not.</p>	The wording in the proposed rule was modified and we removed the requirement that the work the claimant is returning to must be full-time or pay equal to or more than their weekly benefit amount.
(5)(b)(C)	<i>The department will not consider the individual to be temporarily unemployed if they were separated from their employer for reasons other than a lack of work, the work the individual is returning to is not with their most recent employer, or the length the individual is unemployed is longer than the period described in subsection (D) of this section; and</i>	They remain in contact with that employer; and	<p>Original (5)(b)(C) stated the claimant could not be separated from their employer other than due to lack of work, this is in proposed section (5)(b)(A).</p> <p>Proposed section (5)(b)(C) has similar wording as the original section (5)(b)(A).</p>	<p>The anticipated impact to claimants on the proposed rule change is removal of the time limit for being temporarily unemployed.</p> <p>The anticipated impact to employers on the proposed rule change is that OED is adding 2 questions to the Notice of Claim Filed asking the employer if they expect the claimant to return to work and the date they</p>

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				expect the claimant to return to work if a date is known, or if they have separated the claimant from employment.
(5)(b)(D)	<i>The department will consider that the period for which an individual is temporarily unemployed:</i>	They are capable of accepting and reporting for suitable work with that employer; or	<p>Original section (5)(b)(D) is the beginning of definitions about the length of time a claimant can be temporarily unemployed. This is not needed in the proposed rule as employers will determine the length of time that a claimant will be considered employer attached.</p> <p>Proposed section (5)(b)(D) is similar wording to the original section (5)(b)(A).</p>	<p>The anticipated impact to claimants on the proposed rule change is removal of the time limit for being temporarily unemployed.</p> <p>The impact to employers on the proposed rule change is that OED is adding 2 questions to the Notice of Claim Filed asking the employer if they expect the claimant to return to work if a date is known, or if they have separated the claimant from employment.</p>
(5)(b)(D)(i)	<i>Begins the last date the individual performed services for the employer. In the case of an individual still working for the employer, it is the last date worked during the week in which the individual had</i>	No section (5)(b)(D)(i)	Original section (5)(b)(D)(i) is not in the proposed rule as we have removed the timeframe for claimants to be considered employer attached as employers will determine the length of time.	The anticipated impact to claimants on the proposed rule change is removal of the time limit for being temporarily unemployed.

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
	<i>earnings less than their weekly benefit amount; and</i>			The anticipated impact to employers on the proposed rule change is that OED is adding 2 questions to the Notice of Claim Filed asking the employer if they expect the claimant to return to work if a date is known, or if they have separated the claimant from employment.
(5)(b)(D)(ii)	<i>Cannot be greater than four weeks between the week the individual became temporarily unemployed and the week the individual returns to work as described in subsection (B) of this section.</i>	No section (5)(b)(D)(ii)	Original section (5)(b)(D)(ii) is not in the proposed rule as we have removed the timeframe for claimants to be considered employer attached as employers will determine the length of time.	<p>The anticipated impact to claimants on the proposed rule change is removal of the time limit for being temporarily unemployed.</p> <p>The anticipated impact to employers on the proposed rule change is that OED is adding 2 questions to the Notice of Claim Filed asking the employer if they expect the claimant to return to work if a date is known, or if they have separated the claimant from employment.</p>

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
(5)(c)	<i>For an individual who is a member in good standing of a union that does not allow members to seek non-union work, such individual is actively seeking work by remaining in contact with that union and being capable of accepting and reporting for work when dispatched by that union if the union dispatches its members for work. If the union does not allow its members to accept non-union work but does not dispatch their members to available work, the individual must meet the requirements of subsection (a) of this section.</i>	They are a member in good standing of a union that dispatches their members for work and:	The original section (5)(c) has similar wording to the proposed section (5)(c) but removes the redundant language regarding the actively seeking work requirement, requirements for claimants that don't meet the criteria, and moves the eligibility criteria to proposed sections (5)(c)(A)-(C).	There is no anticipated impact to claimants or employers, and OED's administration of the program will not change. The wording was modified to match the flow of the overall rule.
(5)(c)(A)	No section (5)(c)(A)	The union does not allow members to seek non-union work;	Proposed section (5)(c)(A) has similar wording to the criteria in the original section (5)(c).	There is no anticipated impact to claimants or employers, and OED's administration of the program will not change. The wording was modified to match the flow of the overall rule.
(5)(c)(B)	No section (5)(c)(B)	They remain in contact with that union; and	Proposed section (5)(c)(B) has similar wording to the criteria in the original section (5)(c).	There is no anticipated impact to claimants or employers, and OED's

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				administration of the program will not change. The wording was modified to match the flow of the overall rule.
(5)(c)(C)	No section (5)(c)(C)	Are capable of accepting and reporting for work when dispatched by that union; or	Proposed section (5)(c)(C) has similar wording to the criteria in the original section (5)(c).	There is no anticipated impact to claimants or employers, and OED's administration of the program will not change. The wording was modified to match the flow of the overall rule.
(5)(d)	<i>For an individual who is a federal employee temporarily unemployed due to a government shutdown and expects to resume work with their regular employer once the shutdown ends, they are considered to be actively seeking work when they remain in contact with their regular employer and are capable of accepting and reporting for any suitable work with that employer.</i>	They are unemployed, as of January 1, 2026, due to a labor dispute as described under ORS 657.200 and:	Original (5)(d) is removed as these claimants would be considered employer attached under proposed section (5)(b), and (A)-(D) thus this specific language is no longer needed. Proposed section (5)(d) is for claimants who are unemployed due to a labor dispute after January 1, 2026. This criteria is new and relates to the passage for SB 916 (2025).	There is no anticipated impact to claimants or employers on the removal of the original rule and OED's administration of the program will not change. The wording in the original section was removed as federal employees who are furloughed but have not separated from employment would be considered "employer

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				<p>attached” in the proposed rule.</p> <p>The anticipated impact to claimants and employers on the proposed rule (not the impact of the passage of SB 916) is that they will have guidance on what they must do to meet the actively seeking work eligibility requirement.</p> <p>The proposed wording is similar to “employer attached” as these claimants have not separated from their employer.</p>
(5)(d)(A)	No section (5)(d)(A)	They were not separated from their employer;	Proposed section (5)(d)(A) is similar to proposed section (5)(b)(A) for employer attached.	The anticipated impact to claimants and employers on the proposed rule is that they will have guidance on what they must do to meet the actively seeking work eligibility requirement.

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				The proposed wording is similar to “employer attached” as these claimants have not separated from their employer.
(5)(d)(B)	No section (5)(d)(B)	There is an expectation that they will return to work for their employer when the labor dispute ends;	Proposed section (5)(d)(B) is similar to proposed section (5)(b)(B) for employer attached.	<p>The anticipated impact to claimants and employers on the proposed rule is that they will have guidance on what they must do to meet the actively seeking work eligibility requirement.</p> <p>The proposed wording is similar to “employer attached” as these claimants have not separated from their employer.</p>
(5)(d)(C)	No section (5)(d)(C)	They are capable of accepting and reporting for suitable work with that employer;	Proposed section (5)(d)(C) is similar to proposed section (5)(b)(D) for employer attached.	The anticipated impact to claimants and employers on the proposed rule is that they will have guidance on what they must do to meet the actively seeking work eligibility requirement.

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				The proposed wording is similar to “employer attached” as these claimants have not separated from their employer.
(5)(d)(D)	No section (5)(d)(D)	They remain in contact with that employer, unless contact is prohibited by the union; and	Proposed section (5)(d)(D) is similar to proposed section (5)(b)(C) for employer attached.	<p>The anticipated impact to claimants and employers on the proposed rule is that they will have guidance on what they must do to meet the actively seeking work eligibility requirement.</p> <p>The proposed wording is similar to “employer attached” as these claimants have not separated from their employer.</p>
(5)(d)(E)	No section (5)(d)(E)	They remain in contact with the union; or	Proposed section (5)(d)(E) was added in case contact with the employer is prohibited by the union.	The anticipated impact to claimants and employers on the proposed rule is that they will have guidance on what they must do to meet the actively

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				<p>seeking work eligibility requirement.</p> <p>The proposed wording is similar to “employer attached” as these claimants have not separated from their employer.</p>
(5)(e)	<i>For an individual who is filing a continued claim for the first week of an initial or additional claim:</i>	<p>They perform a work search as directed by employees of the department. The Employment Department shall provide to the individual, in writing, the requirements when the modified work search does not meet the requirements of subsection (a) – (d) of this section. In determining whether to modify the requirements of this section, the department may consider factors such as, but not limited to:</p>	<p>Original section (5)(e) was removed as all claimants who have separated from employment, regardless of whether they also worked in the week they were separated, would have the same work-seeking activities.</p> <p>Proposed section (5)(e) has similar wording to the original section (5)(f). The department is still required to provide the modified work search to claimants in writing, and put the factors considered into separate subsection of (5)(e).</p>	<p>The anticipated impact to claimants on the removal of the original section (5)(e) is that they will be required to actively seek work in each week they claim, including the week in which they separate from employment.</p> <p>There is no anticipated impact to employers on the removal of section (5)(e).</p> <p>There is no anticipated impact to claimants or employers on the proposed rule in section (5)(e) and OED’s administration of the</p>

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
				proposed rule will not change.
(5)(e)(A)	<i>If the individual worked less than full time and remuneration paid or payable to the individual for services performed during the week is less than the individual's weekly benefit amount, each day the individual worked for the employer shall be considered a direct employer contact.</i>	Length of unemployment;	<p>Original section (5)(e)(A) was removed as all claimants who have separated from employment, regardless of whether they also worked in the week they were separated, would have the same work-seeking activities.</p> <p>Proposed section (5)(e)(A) is the same wording as one of the factors in the original section (5)(f).</p>	<p>The anticipated impact to claimants on the removal of the original section (5)(e) is that they will be required to actively seek work in each week they claim, including the week in which they separate from employment.</p> <p>There is no anticipated impact to employers on the removal of section (5)(e).</p> <p>There is no anticipated impact to claimants or employers on the proposed rule in section (5)(e) and OED's administration of the proposed rule will not change.</p>
(5)(e)(B)	<i>An individual does not meet the requirements of this subsection if the individual performed no work for an employer during the first week</i>	Economic conditions in their labor market; and	The original section (5)(e)(B) was removed as all claimants who have separated from employment, regardless of whether they also worked in	The anticipated impact to claimants on the removal of the original section (5)(e) is that they will be required to

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
	<i>of an initial or additional claim; therefore the individual must seek work consistent with subsection (a) of this section.</i>		<p>the week they were separated, would have the same work-seeking activities.</p> <p>Proposed section (5)(e)(B) is similar wording as one of the factors in the original section (5)(f).</p>	<p>actively seek work in each week they claim, including the week in which they separate from employment.</p> <p>There is no anticipated impact to employers on the removal of section (5)(e).</p> <p>There is no anticipated impact to claimants or employers on the proposed rule in section (5)(e) and OED's administration of the proposed rule will not change.</p>
(5)(e)(C)	No section (5)(e)(C)	Prospective job openings.	<p>There was no original section (5)(e)(C).</p> <p>Proposed section (5)(e)(C) is the same wording as one of the factors in the original section (5)(f).</p>	There is no anticipated impact to claimants or employers on the proposed rule in section (5)(e) and OED's administration of the proposed rule will not change.
(5)(f)	In determining whether to modify the requirements in this section <i>for an individual</i> the Employment Department <i>may</i>	No section (5)(f)	Original section (5)(f) is proposed section (5)(e)(A)-(C).	There is no anticipated impact to claimants or employers on the proposed rule in section

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
	<i>consider among other factors, length of unemployment, economic conditions in the individual's labor market and prospective job openings, weather conditions affecting occupations or industries, seasonal aspects of the individual's regular occupation, expected date of return to work in regular occupation, seniority status of individual, registration with a union hiring hall and normal practices for obtaining the type of work which the individual is seeking pursuant to section (1) of this rule. The department shall provide a written copy of the work search requirements to the individual if the individual's work search requirements are modified.</i>			(5)(e) and OED's administration of the proposed rule will not change.
Section 6 Covers the department determining the individuals labor market.				
(6)	No standalone section (6)	For the purposes of ORS 657.155 , employees of the Employment Department define an individual's normal labor market. Factors generally used in defining the labor market include the:	Proposed section (6) contains similar language to the original section (6)(a) that OED employees determine the claimants labor market.	There is no anticipated impact to claimants or employers on the proposed rule and OED's administration of the program will not change.

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
(6)(a)	<i>An individual's normal labor market shall be the geographic area surrounding the individual's permanent residence within which employees in similar circumstances are generally willing to commute to seek and accept the same type of work at a comparable wage. The geographic area shall be defined by employees of the Employment Department, based on criteria set forth in this section;</i>	Geographic area surrounding their permanent residence within which most employees in similar circumstances seek and accept the same type of work at a comparable wage; or	The original section (6)(a) has been divided into proposed section (6) and (6)(a). Proposed section (6)(a) has wording around determining the labor market which is similar to the original section (6)(a).	There is no anticipated impact to claimants or employers on the proposed rule and OED's administration of the program will not change. The wording was updated to make the rule easier to read.
(6)(b)	When an individual seeks work through a union hiring hall, <i>the individual's normal labor market area for the work sought</i> is the <i>normal</i> referral jurisdiction of the union, as indicated by the applicable contract.	Referral jurisdiction of the union, as indicated by the applicable contract when an individual seeks work through a union hiring hall.	Proposed section (6)(b) has similar wording to original section (6)(b), but in a different order.	There is no anticipated impact to claimants or employers on the proposed rule and OED's administration of the program will not change. The wording was updated to make the rule easier to read.
Section 7 Covers other labor markets.				
(7)	Nothing in this rule shall prohibit an individual <i>who is a citizen, permanent legal</i>	Nothing in this rule shall prohibit an individual from also seeking work in other labor	Proposed section (7) has similar wording as the original section (7) but now also	There is no anticipated impact to claimants or employers on the

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Rule Section	Current Rule Language	Proposed Rule Language	Notes	Impact of Rule
	<i>resident, or otherwise legally authorized to work in the United States from seeking work in other labor market areas in any state or country.</i>	markets including remote work, if such work opportunities typically exist in the occupation for which they are seeking work.	includes remote work opportunities.	<p>proposed rule and OED's administration of the program will not change.</p> <p>The wording was updated to recognize that some claimants can look for remote work opportunities as part of their work seeking activities. Also, to remove the language about worker authorization and citizenship as these requirements are not relevant to actively seeking work, they are availability eligibility requirements.</p>