



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 471

EMPLOYMENT DEPARTMENT

FILED

10/27/2025 4:41 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rule amendments for informed consent, method of benefit payments, eligibility for claimants in labor dispute.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/05/2025 11:59 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.

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/19/2025

TIME: 1:30 PM - 2:30 PM

OFFICER: Perla Brambila

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-947-1471

NEED FOR THE RULE(S)

The amendments to OAR 471-010-0105 are needed to resolve minor technical errors in the current rules and to provide greater clarity around the requirements for informed consent with the release of customer information.

The amendments to OAR 471-030-0050 are needed to remove unnecessary, branded language.

Senate Bill (SB) 916 (2025) allows up to 10 weeks of Unemployment Insurance benefits for workers unemployed due to participation in a strike. OED is amending OAR 471-030-0036 to include the eligibility requirements for actively seeking work when a worker is unemployed due to participation in a labor dispute.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Revised Statutes, available online at www.oregonlegislature.gov or from the agency; and Oregon Administrative Rules, available online at sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx or from the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Unemployment Insurance benefits help provide those who are unemployed or underemployed with critical financial support. This program provides a much-needed benefit to under-resourced and underserved populations and helps to combat the insidious impact of historical and current injustice and iniquity that families of color face when trying to access government programs.

A commitment to equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

While amending the above outlined administrative rules, the Department looked at the racial equity impact of the administrative rule amendments and answered the below questions.

What are the racial equity impacts of this particular rule, policy, or decision and who will benefit from or be burdened?

In drafting the administrative rule amendments on eligibility and implementation of SB 916 (2025), the Department has been careful to think through racial inequities that may occur.

OED recognizes that racial disparities, discrimination and inequities across society are evidence of institutional racism that is often invisible and sometimes unintentional, but inherent elements of policy development. The Department recognizes the importance of acknowledging and understanding racial and ethnic disparities in access to and use of UI is vital in developing inclusive administrative rules and policies. OED will continue to gather relevant data to address these disparities as the new eligibility requirements are implemented.

Are there strategies to mitigate the unintended consequences?

It is important to recognize that complex bureaucratic processes often have built-in barriers, such as the legal language used, that disproportionately impact those who are non-native English speakers and individuals who are socioeconomically disadvantaged.

Furthermore, due to historical exclusion and systemic racism, communities of color, in particular Black, Latino/a/x or Indigenous persons in the U.S may not fully trust the legal system and government processes.

OED's goal is to ensure that there is equity for businesses and workers in Oregon. The UI Division places a high priority on developing and maintaining a diverse and inclusive culture and ensuring there is equitable access to understanding for businesses and workers. Below are some strategies the UI Division has implemented or plans to implement to mitigate unintended consequences:

- Providing instructions, guidebooks, and all other materials in plain language, in multiple languages, and in alternative formats such as video;
- Providing supplemental materials to guidebooks such as a "frequently asked questions," section on our website, instructional videos, and other tools in order to accommodate different learning styles; monitoring usage to inform gaps in initial and continued messaging;
- Evaluating ongoing debt collection practices, once started, to determine what, if any, impact payment application practices and debt waiver policies are having on narrowing historic racial gaps within collections;
- Establishing and using an equity framework to standardize review processes to ensure that all new and ongoing processes, procedures, administrative rules, and related communications are furthering program equity;
- Collaborating with the division's data team to gather and analyze information for any gaps or trends on groups impacted by contributions or self-employed;
- Monitoring a number of data elements related to UI in order to determine if and what disparate outcomes historically marginalized groups are facing;
- Continuously explore ways to make changes within the policy and technology sections should disparities begin to arise in the program;
- Committing to, and then provide, ongoing anti-racism and trauma-informed care training to assist staff in understanding, identifying, and eliminating negative impacts that UI policy, procedures, and rules may otherwise have on already marginalized groups.

FISCAL AND ECONOMIC IMPACT:

There are no fiscal or economic impacts from the proposed rule changes.

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).

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

No additional cost.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number and type of small businesses subject to the rule:

As of June 30, 2025, there are 117,467 businesses with 50 employees or fewer in Oregon that would be subject to this rule.

b. Projected reporting, recordkeeping, and other administrative activities required for compliance, including costs of professional services:

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Department hosted two separate Listening Sessions in order to generate feedback from those potentially impacted by the rule changes including small businesses. The Department also solicited written public comments from small businesses before the Rules Advisory Committee (RAC) convened. Representatives of organizations representing small businesses also participated in the RAC.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

471-010-0105, 471-030-0036, 471-030-0050

AMEND: 471-010-0105

RULE SUMMARY: Rule amendments for informed consent, method of benefit payments, and actively seeking work for claimants unemployed due to a labor dispute.

CHANGES TO RULE:

471-010-0105

Customer Information and Disclosure: General Disclosures ¶¶

(1) The department is authorized to disclose confidential information or records to non-governmental entities if the non-governmental entity enters into a written disclosure agreement with the department that:¶¶

(a) Requires the non-governmental entity to obtain a written release from the individual or business to whom the information pertains, containing the following:¶¶

(A) A statement specifically identifying the information that is to be disclosed;¶¶

(B) Notice that state government files will be accessed to obtain the information;¶¶

(C) A statement identifying the specific purposes for which the information is sought, which must be limited to providing a service or benefit to the individual or business signing the release or carrying out administration or evaluation of a public program;¶¶

(D) A statement that information obtained under the release will only be used for that purpose or purposes; and¶

(E) A statement identifying all the parties who may receive the information;¶

(b) Requires the non-governmental entity to safeguard the information once in the hands of the non-governmental entity; and¶

(c) Requires the non-governmental entity to pay all costs associated with the disclosure.¶

(2) Unless otherwise authorized by these rules, the department is authorized to disclose confidential information or records to a customer or business only under the following provisions:¶

(a) The Oregon Employment Department staff is sure that the information was provided by the customer or business, or was previously provided to the customer or business; or¶

(b) For Oregon Employment Department wage records, the wage records are identified under the name, social security number or account number of the customer.¶

(3) The department is authorized to disclose confidential information or records to a third party or agent based on the informed consent of a customer or business if:¶

(a) The department receives a written release signed and dated by the customer or business that specifically states the information that may be disclosed and contains the information required by subsection (1)(a)(A)-(E) of this rule;¶

(b) The written release is witnessed or verified by a department staff person, or notarized; and¶

(c) The third party or agent presenting the request is the same party authorized to receive the information.¶

(d) The department will disclose only information that may be provided directly to the customer or business consenting to the disclosure.¶

(4) The department is authorized to disclose confidential information or records regarding a customer or business to the attorney for a customer or business pursuant to an informed consent from the customer or business that contains the information required in subsection (2) of this rule.¶

(a) If the attorney has been retained for purposes related to ORS Chapter 657 and the attorney asserts that he or she represents the customer or business, a written release that complies with subsection (2) of this rule is not required.¶

(b) If the attorney has been retained for purposes not related to ORS Chapter 657 and the attorney asserts that he or she represents the customer or business, a written release that complies with subsection 1(a)(A)-(E) of this rule is required. The written release must be witnessed or verified by a department staff person or notarized.¶

(c) The department will disclose only information that may be provided directly to the customer or business consenting to the disclosure.¶

(5) The department is authorized to disclose confidential information or records to a legislator or other elected official, or his or her staff, pursuant to an informed consent from a customer or business.¶

(a) A written release that complies with subsection (2) of this rule is not required if the department receives a copy of the letter written by the customer or business to the legislator or other elected official requesting the assistance of the elected official.¶

(b) If no letter is available, Oregon Employment Department staff will provide customer or business information only after receiving reasonable evidence from the legislator or other elected official, or his or her staff, that the customer or business authorized the disclosure.¶

(c) The department will disclose only information that may be provided directly to the customer or business consenting to the disclosure.¶

(6) Department staff must comply with Oregon child abuse reporting laws under ORS Chapter 419B.010, elderly abuse reporting laws under Chapter 124.060, and patient abuse reporting laws under 677.190.¶

(7) Drug or alcohol abuse information or records received from federally funded treatment programs, facilities or activities may not be used or redisclosed by the department without the written consent of the patient or a court order and subpoena that comply with the requirements in 42 USC § 290dd-2 and 42 CFR Part 2.

Statutory/Other Authority: ORS 657.610, ORS 183.335(5), ORS 183.355

Statutes/Other Implemented: ORS 657.665

RULE SUMMARY: Rule amendments for informed consent, method of benefit payments, and actively seeking work for claimants unemployed due to a labor dispute.

CHANGES TO RULE:

471-030-0036

Eligibility Factors ¶¶

(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 except that:¶¶

(a) If an individual is unable to secure the individual's customary type of work after contacting the potential employers in their labor market or if the individual is unable to meet the requirements of section (3) of this rule, the 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.¶¶

(b) 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.¶¶

(c) 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.¶¶

(2) For the purposes of ORS 657.155(1)(c), an individual shall be considered able to work in a particular week only if physically and mentally capable of performing the work the individual is actually seeking during all of the week except:¶¶

(a) 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¶¶

(b) 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 unable to work solely on that basis so long as the individual remains available for some work.¶¶

(3) For the purposes of ORS 657.155(1)(c), an individual shall be considered available for work if, at a minimum, the individual is:¶¶

(a) 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¶¶

(b) 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¶¶

(c) Not imposing conditions which substantially reduce the individual's opportunities to return to work at the earliest possible time; and¶¶

(d) Physically present in the normal labor market area as defined by section (6) of this rule, every day of the week, unless:¶¶

(A) The individual is actively seeking work outside his or her normal labor market area; or¶¶

(B) 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.¶¶

(e) 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.¶¶

(f) For the purposes of ORS 657.155(1)(c), an individual is not available for work in any week claimed if:¶¶

(A) The individual has an opportunity to perform suitable work during the week and fails to accept or report for such work.¶¶

(B) During the week, the individual is incarcerated during any days or hours customary for the type of work the individual is seeking.¶¶

(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.¶¶

(ii) When an individual is in an alternative sentencing facility operated pursuant to a community corrections plan that individual will not be 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.¶¶

(iii) "Incarcerated" does not include a "stop" as authorized under ORS 131.605 to 131.625.¶¶

(iv) "Incarcerated" does not mean being involved in questioning by peace officers as part of an investigation where

the individual is free to leave and not charged with a crime.¶

(g) 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.¶

(h) 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 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.¶

(A) An individual is participating when engaged in a course of treatment through a recognized drug or alcohol rehabilitation program;¶

(B) A recognized drug or alcohol rehabilitation program is a program authorized and licensed under the provisions of OAR chapter 415.¶

(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;¶

(A) In Canada unless the individual is authorized to work in Canada;¶

(B) In a country not included in the Compact of Free Association with the United States of America; or¶

(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,¶

(i) If the individual is the spouse or domestic partner of an individual stationed at a military base or embassy located outside the United States;¶

(ii) Job opportunities exist on the military base or embassy for family members of those stationed there;¶

(iii) The individual lives within a reasonable commuting distance to job opportunities at the military base or embassy; and¶

(iv) The individual is willing to accept the conditions and terms of the available employment provided they are not inconsistent with ORS 657.195.¶

(4) 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:¶

(a) 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¶

(b) 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.¶

(5) This section addresses the requirements for actively seeking work, as required under ORS 657.155(1)(c):¶

(a) 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.-¶

(A) 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.¶

(B) Direct contact with an employer means making contact with an employer in person, by phone, mail, or electronically to inquire about a job opening or applying for job openings in the manner required by the hiring employer.¶

(b) For an individual who is temporarily unemployed:¶

(A) 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;¶

(B) 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 that equals or exceeds their weekly benefit amount;¶

(C) 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¶

(D) The department will consider that the period for which an individual is temporarily unemployed:¶

(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 earnings less than their weekly benefit amount; and¶¶

(ii) 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.¶¶

(c) 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.¶¶

(d) 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.¶¶

(e) For an individual who is filing a continued claim for the first week of an initial or additional claim:¶¶

(A) 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.¶¶

(B) An individual does not meet the requirements of this subsection if the individual performed no work for an employer during the first week of an initial or additional claim; therefore the individual must seek work consistent with subsection (a) of this section.¶¶

(f) In determining whether to modify the requirements in this section for an individual the Employment Department may 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.¶¶

(6)(a) 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;¶¶

(b) When an individual seeks work through a union hiring hall, the individual's normal labor market area for the work sought is the normal referral jurisdiction of the union, as indicated by the applicable contract.¶¶

(7) Nothing in this rule shall prohibit an individual who is a citizen, permanent legal resident, or otherwise legally authorized to work in the United States from seeking work in other labor market areas in any state or country.¶¶

(8) For the purposes of ORS 657.155(1)(c), an individual shall be considered actively seeking work when:¶¶

(a) They are unemployed, as of January 1, 2026, due to a labor dispute as described under ORS 657.200¶¶

(b) There is an expectation that they will return to work for their employer when the labor dispute ends; and¶¶

(c) They are willing and available to return to work at the end of the labor dispute.

Statutory/Other Authority: ORS 657.610, ORS 657.100, ORS 183.335(5), ORS 183.355

Statutes/Other Implemented: ORS 657.010, ORS 657.153, ORS 657.155, ORS 657.176, ORS 657.200, ORS 657.202, ORS 657.255, ORS 657.310, ORS 657.317, ORS 657.400, ORS 657.610, ORS 657.665

AMEND: 471-030-0050

RULE SUMMARY: Rule amendments for informed consent, method of benefit payments, and actively seeking work for claimants unemployed due to a labor dispute.

CHANGES TO RULE:

471-030-0050

Benefit Payments ¶¶

(1) Benefits shall be paid by such method as the Director may approve.¶

(2) The Employment Department's primary payment method to any individual approved to receive unemployment insurance benefits is electronic funds transfer. "Electronic funds transfer" has the same meaning as provided in ORS 293.525.¶

(3) Individuals who do not apply for direct deposit will be paid by a stored value card, ~~including but not limited to ReliaCard Visa.~~

Statutory/Other Authority: ORS 657, ORS 183.335(5), ORS 183.355

Statutes/Other Implemented: ORS 657.255