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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 856
PUBLIC UTILITY COMMISSION
OREGON BOARD OF MARITIME PILOTS

FILED

04/02/2024 10:17 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifies trainee status in pilot training organization

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/15/2024 3:00 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 hearing 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.

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NEED FOR THE RULE(S)

Clarifies rule to ensure that trainees and apprentices do not hold employee status within the training organizations

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Rules committee meeting notes dated 2/13/2024; Board meeting minutes dated 3/21/2024

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

These rules have no effect on racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic impact anticipated.

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).

The Board has no authority over any entity other than it's licensees.

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

The Board has no authority over any entity other than it's licensees.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This is part of an ongoing rules review being conducted by the Board's rules review committee.

AMEND: 856-015-0001

RULE SUMMARY: Clarifies status of pilot apprentices and trainees within pilot training organizations

CHANGES TO RULE:

856-015-0001

Training Organizations ¶¶

(1) New Applicants. Upon receiving a qualifying written application interested organizations of pilots, the Board shall issue an original license to training organizations for the relevant pilotage ground. Every organization of pilots applying for licensure by the Board to provide training to apprentices or pilot trainees must:¶¶

(a) Demonstrate to the satisfaction of the Board that it meets the requirements of ORS 776.311(1), and¶¶

(b) Demonstrate to the satisfaction of the Board that it is able to provide the training services required for trainees and apprentices, when applicable, as set forth in OAR 856-015-0011 (Columbia & Willamette Rivers), OAR 856-015-0012 (Coos Bay Bar), OAR 856-015-0013 (Yaquina Bay Bar), or OAR 856-015-0014 (Columbia River Bar). ¶¶

(2) It shall be the obligation of each member of every organization of pilots licensed by the Board as a training organization to provide training and interact with apprentices and pilot trainees to a degree sufficient to teach skills and impart information and to evaluate performance as required by the Board.¶¶

(3) The Board shall assign apprentices and pilot trainees for training purposes to the training organizations licensed for each ground. If more than one training organization is licensed for a pilotage ground, apprentices and pilot trainees for that ground shall be provided training by all such organizations.¶¶

(4) Nothing in these rules makes any apprentice or trainee pilot an employee of the training organization or of the state of Oregon, nor requires or prohibits payment of ~~compensation~~ a stipend by a training organizations to apprentices or pilot trainees.¶¶

(5) A training organization license issued by the Board shall be valid for five years from the date of original issue and for five years each renewal period thereafter.¶¶

(6) Application for renewal shall be made in writing, with certification from the training organization that:¶¶

(a) The training organization continues to meet the requirements of ORS 776.311(1); ¶¶

(b) The training organization has provided the training required by OAR 856-015-0011, OAR 856-015-0012, OAR 856-015-0013, or OAR 856-015-0014, as applicable, for its trainees and any of its apprentices during the current licensing period; and,¶¶

(c) The training organization is capable of continuing to provide the required training for its trainees and any of its apprentices throughout the upcoming licensing period. ¶¶

(7) Application for license renewal shall be made not less than 60 days prior to expiration.

Statutory/Other Authority: ORS 776

Statutes/Other Implemented: ORS 776.311