

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Bureau of Labor and Industries

839

Agency and Division

Administrative Rules Chapter Number

Conforms civil rights rules to provisions of HB 2036, HB 2828 and HB 3482 (2011).

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

In the Matter of:

Conforming civil rights rules to provisions of HB 2036, HB 2828 and HB 3482 (2011).

Statutory Authority:

ORS 659A.805

Other Authority:

HB 2036, HB 2828, HB 3482, Oregon Legislative Assembly 2011.

Stats. Implemented:

HB 2036 (corrects references that relate to employment to refer only to employment-related disability statutes; allows BOLI to enforce law providing protected leave to attend a criminal proceeding; & clarifies that an employer may consider the credit history of applicants for public safety officer employment), HB 2828 (Creates unlawful employment practice if employer ceases to provide insurance during period employee is serving as juror), & HB 3482 (adds "harassment" to Crime Victim leave & discrimination provisions), Oregon Legislative Assembly 2011; ORS 659A.112 - 659A.139; ORS 659A.270 - 659A.290; ORS 659A.303; ORS 659A.855; ORS 659A.885.

Need for the Rule(s):

The proposed rules and amendments would implement newly-enacted statutes clarifying and expanding civil rights in employment relating to jurors, crime victims, disability, credit history and attending criminal proceedings.

Documents Relied Upon, and where they are available:

HB 2036 (corrects references that relate to employment to refer only to employment-related disability statutes; allows BOLI to enforce law providing protected leave to attend a criminal proceeding; and clarifies that an employer may consider the credit history of applicants for public safety officer employment), HB 2828 (Creates unlawful employment practice if employer ceases to provide insurance during period employee is serving as juror), and HB 3482 (adds "harassment" to Crime Victim leave and discrimination provisions), available on Oregon Legislature website; ORS 659A.112 - 659A.139; ORS 659A.270 - 659A.290; ORS 659A.303; ORS 659A.855; ORS 659A.885, available in ORS publications.

Fiscal and Economic Impact:

No fiscal or economic impact is anticipated as a result of the proposed rules and amendments. The newly enacted and newly amended laws that the proposed rules would implement are in current statutes or will be on January 1, 2012 and fiscal or economic impact, if any, would result from those laws. There is potential positive fiscal or economic impact for public and private employers because the proposed rule amendments would implement and clarify laws already enacted, making it less likely that covered employers will inadvertently violate the laws.

Statement of Cost of Compliance:

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

State agencies and units of local government will be subject to rules implementing HB 2036, HB 2828 and HB 3482. Fiscal or economic impact would result from those laws, and not the proposed rulemaking. A positive impact is anticipated for the public, expanding protections for employees who are serving on juries and who are victims of criminal harassment.

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

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Oregon discrimination laws apply to all businesses. The Employment Department estimates that 107,103 small businesses may be subject to the proposed rule amendments.

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

No new reporting, recordkeeping, or other administrative costs of compliance are required or anticipated because the proposed changes implement provisions of existing law. Existing crime victims rules call for some additional recordkeeping, but the newly enacted laws are not anticipated to substantially increase this.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor, or increased administration are required or anticipated under the proposed rules.

How were small businesses involved in the development of this rule?

If not, why?:

Small business representatives are represented on BOLI's stakeholder mailing list.

Administrative Rule Advisory Committee consulted?: No

The proposed rule amendments and adoptions would implement statutory specifications over which BOLI has no discretion.

<u>12-30-2011 Close of Business</u>	<u>Marcia Ohlemiller</u>	<u>Marcia.L.Ohlemiller@state.or.us</u>	<u>11-10-11 1:10 PM</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007