

Senate Bill 60

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Bureau of Labor and Industries to charge respondent on certain claims actual fees incurred in collection of judgment.

A BILL FOR AN ACT

1
2 Relating to fees incurred by Bureau of Labor and Industries for collection of judgment; amending
3 ORS 652.390 and 659A.850.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 652.390 is amended to read:

6 652.390. (1) The Commissioner of the Bureau of Labor and Industries may deduct and retain any
7 moneys collected on each wage claim as costs, attorney fees or commissioner's penalties. The
8 amount deducted shall be paid into the General Fund after deducting actual costs and disbursements
9 incurred in the prosecution [*thereof*] **of the wage claim**.

10 (2) The commissioner may charge a claimant **or respondent** on a wage claim for which the
11 commissioner has obtained a judgment the actual collection fees charged to the Bureau of Labor
12 and Industries by any other governmental agency assisting in the collection of the judgment.

13 (3) The commissioner is authorized to assign wage claim judgments and orders issued pursuant
14 to ORS 652.332 for collection or to obtain assistance in collection of such judgments and orders and
15 may deduct and pay out from any moneys so collected a collection fee.

16 **SECTION 2.** ORS 659A.850, as amended by section 12, chapter 36, Oregon Laws 2008, is
17 amended to read:

18 659A.850. (1)(a) All proceedings before the Commissioner of the Bureau of Labor and Industries
19 under this section shall be conducted as contested case proceedings under the provisions of ORS
20 chapter 183. Except as provided in paragraph (b) of this subsection, the commissioner may appoint
21 a special tribunal or hearing officer to hear the matter. The commissioner may affirm, reverse,
22 modify or supplement the determinations, conclusions or order of any special tribunal or hearing
23 officer appointed under this subsection. The scheduling of a hearing under this section does not af-
24 fect the ability of the commissioner and any respondent to thereafter settle the matters alleged in
25 the complaint through conference, conciliation and persuasion.

26 (b) In a proceeding under this section alleging an unlawful practice under ORS 659A.145 or
27 659A.421 or discrimination under federal housing law:

28 (A) Only an employee of the Bureau of Labor and Industries may be a member of a special
29 tribunal or a hearing officer appointed to hear the matter.

30 (B) An aggrieved person may intervene as a party in the proceeding.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (2) After considering all the evidence, the commissioner shall cause to be issued findings of facts
2 and conclusions of law.

3 (3) The commissioner shall issue an order dismissing the formal charges against any respondent
4 not found to have engaged in any unlawful practice alleged in the complaint.

5 (4) After a hearing under this section, the commissioner shall issue an appropriate cease and
6 desist order against any respondent found to have engaged in any unlawful practice alleged in the
7 complaint. The order must be signed by the commissioner and must take into account the need to
8 supervise compliance with the terms of order. The order may require that the respondent:

9 (a) Perform an act or series of acts designated in the order that are reasonably calculated to:

10 (A) Carry out the purposes of this chapter;

11 (B) Eliminate the effects of the unlawful practice that the respondent is found to have engaged
12 in, including but not limited to paying an award of actual damages suffered by the complainant and
13 complying with injunctive or other equitable relief; and

14 (C) Protect the rights of the complainant and other persons similarly situated;

15 (b) Submit reports to the commissioner on the manner of compliance with other terms and con-
16 ditions specified in the commissioner's order, and take other action as may be required to ensure
17 compliance with the commissioner's order; and

18 (c) Refrain from any action specified in the order that would jeopardize the rights of the
19 complainant or other persons similarly situated, or that would otherwise frustrate the purposes of
20 this chapter.

21 (5) A cease and desist order issued under subsection (4) of this section may be recorded in the
22 County Clerk Lien Record in the manner provided by ORS 205.125 and enforced in the manner
23 provided by ORS 205.126. In addition to enforcement under ORS 205.126, the order may be enforced
24 by writ of mandamus or a civil action to compel specific performance of the order.

25 **(6) The commissioner may charge a respondent on a cease and desist order the actual**
26 **collection fees charged to the bureau by any other governmental agency or any private col-**
27 **lection agency assisting in the collection of the judgment.**

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