

HB 2248 -2 STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

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Meeting Dates: 2/26, 3/19

WHAT THE MEASURE DOES:

Requires Bureau of Labor and Industries (BOLI) to study matters relating to laws over which BOLI has enforcement authority. Requires BOLI to report to Legislative Assembly.

Fiscal impact: Minimal fiscal impact

Revenue impact: No revenue impact

ISSUES DISCUSSED:

- Current role of Employer Assistance (EA) at BOLI
- EA is a resource for employers to navigate employment laws
- EA provides seminars, guidance, and advisory opinions
- Formalize the EA in statute to codify responsibilities and relationship between EA and employers
- Number of calls, emails, and assistance requests EA receives
- Ability of BOLI to utilize alternative dispute resolution processes to settle claims and complaints

EFFECT OF AMENDMENT:

-2 Establishes Employer Assistance Division (EAD) within Bureau of Labor and Industries (BOLI). Clarifies ability of BOLI to enter into a settlement with respect to any violation of law for which BOLI has jurisdiction and seek settlement through alternative resolution processes.

Detailed Summary:

Establishes Employer Assistance Division (EAD) within Bureau of Labor and Industries (BOLI). EAD provides education, training, and interpretive guidance, including advisory opinions, to employers to assist employers in complying with laws that are enforced by BOLI.

Discussion communications made in course of or in connection with discussion between employer and EAD are confidential. Discussion communications may be disclosed and admitted as evidence in subsequent adjudicatory proceeding conducted by BOLI when offered by employer who participated in discussion to show that employer acted in good faith and in reliance on communications. BOLI may not impose civil penalty on employer for any good faith action taken in reliance on discussion communications in which employer has participated.

Employer must provide evidence that proves:

- discussion communications applied same law that was in effect at time that employer took good faith actions; and
- discussion communications involved same or substantially similar facts such that it was reasonable for employer to have relied on discussion communications in taking good faith actions.

EAD can issue and publish advisory opinions. Advisory opinions may be issued upon request of any person, or at EADs own discretion, issue and publish, on BOLI's website.

Permits BOLI to enter into settlement with respect to any violation of provision of law over which BOLI has jurisdiction. Commissioner may take steps to settle matter through conference, mediation, conciliation, persuasion, or other alternative dispute resolution processes, to otherwise carry out duties of commissioner.

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Communications and settlement discussions held through BOLI's alternative dispute resolution processes are confidential.

Allows BOLI to enter into an interagency agreement with a state agency, as defined in ORS 190.255, to receive from the state agency a business name, address, electronic mail address, telephone number or state-generated common identification number or the nature of a business or type of entity conducting the business.

Takes effect on 91st day following adjournment sine die.

BACKGROUND:

House Bill 2248 is a measure available to address matters related to the Bureau of Labor and Industries (BOLI).