



Commissioner Brad Avakian
Bureau of Labor and Industries

COMMISSIONER'S MESSAGE For March 16, 2009

Friends,

Times are tough in Oregon, but there is also a great opportunity ahead if we make smart investments today in protecting our workforce and preparing it for the evolving economy. As your State Labor Commissioner, I am committed to providing Oregonians with an inside look and understanding of the Oregon Bureau of Labor and Industries (BOLI), what we are seeing, and how we are working to ensure Oregon businesses and workers have the resources they need to navigate these rough waters.

Unfortunately, newly-released figures show that Oregon unemployment has risen to 10.8% and we are witnessing the impact first-hand at BOLI: wage claims have increased 10% and calls to our Wage and Hour Division are similarly up, and payments from the Wage Security Fund (WSF) have increased each of the last two years. The WSF pays workers whose employers have gone out of business and cannot afford to pay final wages.

At the same time, our Technical Assistance for Employers (TA) program reports that its staff is receiving a steady increase in calls and e-mails. TA is a great resource for Oregon businesses, as our trainers help employers comply with the labor and employment laws enforced by BOLI. These days, roughly a third of these inquiries are from employers asking about layoffs.

Despite all this, there are encouraging bright spots to share. Our Apprenticeship and Training Division (ATD) is presently working with nearly 8,000 Oregon apprentices who are training to be journeymen in various trades. As our economy begins to come around and the federal stimulus dollars reach Oregon, there will be a need for well-trained apprentices from quality programs. Our ATD team helps students, working men and women and returning veterans find these quality apprenticeship programs, earn a salary, receive post-secondary education, and prepare themselves for a high-wage, high demand career in the skilled trades.

Moreover, our Wage and Hour and Civil Rights Divisions are hard at work processing a large number of inquiries. From enforcing prevailing wage laws to investigating discrimination claims, our staff is working tirelessly to protect Oregonians in the workplace despite limited resources and increased demand for our services.

As your Labor Commissioner, I am committed to carrying out BOLI's primary mission: to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination. I look forward to sharing regular updates on the work BOLI is doing to protect Oregon workers, assist employers and train a highly skilled workforce ready for the jobs of the future.

Sincerely,

A handwritten signature in blue ink that reads "B. Avakian".

Brad Avakian
Oregon State Labor Commissioner

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UPCOMING TECHNICAL ASSISTANCE SEMINARS

The Technical Assistance for Employers (TA) program offers a variety of training seminars for Oregon employers, supervisors, managers, and human resource professionals. TA trainers work closely with bureau enforcement divisions to provide educational seminars that cover the latest developments in employment law. BOLI seminars are acclaimed as an effective and affordable way to help keep your organization in compliance with employment laws – and out of court.

Here is a list of our upcoming seminars. To reserve your spot today, please [visit our website](#) or download a [registration form](#). Please call 971-673-0825 with questions.

March 2009 Seminars

Portland – Advanced Leave Laws (March 19)

Eugene – Advanced Leave Laws (March 24)

April 2009 Seminars

Ontario – Leave Laws (April 7)

Baker City – Effective Supervisory Practices (April 8)

Pendleton – Wage and Hour Laws (April 9)

Salem – Employee Supervision – 2-Day Basic Training (April 8-9)

Portland – Recordkeeping Requirements (April 14); Effective Supervisory Practices (April 21); Wage and Hour Laws (April 23)

Eugene – Effective Supervisory Practices (April 22)

PREVAILING WAGE ADVISORY COMMITTEE MEETS TO DISCUSS OREGON HB 2430 – DOES NOT REACH CONSENSUS

On Thursday, March 12, the Prevailing Wage Advisory Committee (PWAC) met to discuss Oregon House Bill 2430, which would modify state prevailing wage rate law and the current exemption for affordable housing projects.

HB 2430 Overview: Existing state law does not allow the affordable housing exemption to be applied to mixed-use projects comprised of both commercial and residential components (for an overview of existing law, [click here](#)). HB 2430 would provide limited exemptions for mixed-use developments and allow the affordable housing exemption to be applied to both the affordable housing component of a mixed-use development and to a limited amount of commercial space.

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Proponents of HB 2430, including the Oregon State Building Trades Council, the Associated General Contractors and the Oregon Opportunity Network, are pursuing this legislation to achieve their original intent in HB 2140 (2007), the legislation that initially created the affordable housing exemption.

After a spirited discussion of the current legislation and proposed amendments, the Advisory Committee did not reach consensus regarding whether to support or oppose the concept and whether to recommend that limited commercial portions of mixed-use developments be exempt from prevailing wage law under the affordable housing exemption. With further amendments forthcoming, the PWAC will continue to consider this legislation going forward.

The PWAC will next meet on Thursday, March 26. For more information on the committee and its duties, please [click here](#).

NEW MEAL & REST PERIOD RULE STRONGEST IN NATION

In the two months since its implementation, Oregon's new meal and rest period rule stands out as the strongest in America.

The new administrative rule is a strong step forward from the previous "nature and circumstance" exception in the rule, which was unclear and inappropriately utilized by employers. The new standard provides both strong protections for workers and flexibility for employers who legitimately cannot comply with meal and rest period provisions. The new rule, which took effect in early January, allows employers to use the undue hardship exception to waive meal periods **only if** they can conclusively demonstrate that such a period would impose undue financial hardship. This stringent standard also places the burden on the employers to demonstrate the hardship that would be endured by compliance.

Additionally, all employers using the hardship exemption must provide a printed notice, provided by BOLI, to all affected employees to ensure workers are aware of: 1) their employer's use of the provision and 2) their rights. To review this notice, [click here](#).

The new rule exemplifies BOLI's ongoing attempts to protect the rights of workers and facilitate and ensure employer compliance with the law through enforcement, education and creative problem solving. To learn more about the updated meal and rest period rules, [click here](#).