

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Bureau of Labor and Industries, Civil Rights Division	839
Agency and Division	Administrative Rules Chapter Number
Marcia Ohlemiller	971-673-0784
800 NE Oregon St. #1045, Portland, OR 97232	
Rules Coordinator	Telephone
	Address

**RULE CAPTION**

Implementing protections for religious worship and child support obligors; requiring physical accommodations for eligible disabilities.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing **ADOPT**: OAR 839-005-0138, implementing statutes prohibiting employer discrimination against child support obligors; OAR 839-005-0140, implementing statutes requiring employer accommodation of religious leave and clothing; OAR 839-006-0331, implementing statutes requiring transient housing to provide lifts for individuals with disabilities. OAR 839-006-0332, implementing statutes requiring toilet access in places of public accommodation for individuals with qualifying medical conditions. **AMEND**: Division 5 rules to conform and cross reference with new rules implementing statute prohibiting employer discrimination against child support obligors and implementing statutes prohibiting employer discrimination against uniformed service members. Division 6 rules to conform and cross reference with new rules implementing statutes requiring toilet access in places of public accommodation for individuals with qualifying medical conditions and implementing statutes requiring transient housing to provide lifts for individuals with disabilities. Stat. Auth.: ORS 659A.805 Other Auth.: ORS 25.424(3); HB 2600, SB 786 and SB 277, Oregon Legislative Assembly 2009. Stats. Implemented: ORS 25.424(3) (prohibiting employer discrimination against child support obligors), HB 2600 (requiring lifts for individuals with disabilities in transient lodging), SB 786 (requiring accommodation of religious leave) SB 277 (requiring toilet access for customers with eligible medical conditions in places of public accommodation).

**RULE SUMMARY**

The proposed rules would implement statutes making discrimination by employers against child support obligors an unlawful employment practice. (ORS 25.424(3))

The proposed rules would implement newly enacted statutes requiring places of public accommodation to provide access to employee toilets for customers with eligible medical conditions. (SB 277)

The proposed rules would implement newly enacted statutes requiring employers to reasonably accommodate wearing of religious clothing and leave for religious practices. (SB 786)

The proposed rules would implement newly enacted statutes requiring transient lodging of 175 or more units to provide lifts for individuals with disabilities. (HB 3256)

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

December 7, 2009

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Amy K. Klare, Administrator, Civil Rights Division	October 15, 2009	
Signature	Printed name	Date

\*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing. ARC 923-2005