

Secretary of State
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 – Civil Rights Division
Agency and Division

839
Administrative Rules Chapter Number

Implementing statutory enactments and amendments regarding disability, veterans' preference and discrimination based on uniformed service.

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

In the Matter of: Proposed rules implementing statutory amendments to disability and veteran's preference statutes and implementing new statutes prohibiting discrimination based on uniformed service; updating and revising disability rules.

Statutory Authority: ORS 659A.805

Other Authority: HB 3256, HB 2510 and SB 874, Oregon Legislative Assembly 2009

Stats. Implemented: HB 3256 (creating unlawful employment practices involving the uniformed services), HB 2510 (extending veterans' preference in public employment, and SB 874 (amending and adding rules related to disability discrimination), Oregon Legislative Assembly 2009; ORS 659A.100 to .145; ORS 659A.400 to .409.

Need for the Rule(s): The proposed rules and amendments would implement newly enacted provisions prohibiting discrimination on the basis of uniformed service, implement amendments to Oregon's disability discrimination statutes and veteran's preference statutes and clarify, edit and make housekeeping changes.

Documents Relied Upon, and where they are available: HB 3256, HB 2510, SB 874 2009; available on Oregon Legislature website.

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 law or will be on January 1, 2010 and fiscal or economic impact, if any, would result from those laws. There is potential positive fiscal and economic impact for public or private employers because the proposed rule amendments would clarify the laws, making it less likely that covered employers will inadvertently violate them.

Statement of Cost of Compliance:

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

No new cost of compliance to the Bureau from the proposed rules is anticipated because the statutory amendments the rules for the most part would implement are or will be in statutes over which the Bureau currently has enforcement authority.

No new cost of compliance of the proposed rules per se on Oregon's 532 state and local government employers is anticipated because the statutory amendments the rules for the most part would implement are or will be statutory requirements.

No new cost of compliance of the proposed rules per se on the public is anticipated because the rules implement laws that apply to certain business owners, housing providers, employers and employees and not to the general public.

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

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

Oregon disability laws apply to Oregon employers of 6 or more employees, while discrimination laws apply to Oregon employers generally. Thus the proposed rules would apply to those employers. Oregon Employment Department information indicates that approximately 10,000 private employers would potentially be affected by the proposed rules.

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

No significant new reporting, recordkeeping or other administrative activities are required or anticipated under the proposed rules.

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

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

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

Small business representatives are being asked to serve on the Rule Advisory Committee.

Administrative Rule Advisory Committee consulted?: Yes.

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

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007