

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on [12/27/11] by the
Date prior to or same as filing date
Bureau of Labor and Industries, Wage and Hour Division OAR 839-001

Agency and Division Administrative Rules Chapter Number

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to become effective [1/1/12]. Rulemaking Notice was published in the [12/11] Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Clarifies how employer penalty is to be computed in Wage Security Fund recovery actions

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

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

AMEND: OAR 839-001-0560

Stat. Auth.: ORS 651.060(4); ORS 652

Other Auth.:

Stats. Implemented: ORS 652.414

RULE SUMMARY

ORS 652.414, relating to the payment of wage claims from the Wage Security Fund, provides that the Commissioner of the Bureau of Labor and Industries may initiate action to recover from employers or other persons liable for unpaid wages, amounts paid from the Wage Security Fund. In addition, the commissioner is also entitled to recover a penalty of 25 percent of the amount of wages paid from the Wage Security Fund or \$200, whichever amount is greater. This rule amendment clarifies that in cases where multiple employees of an employer are paid from the Fund, the penalty of 25 percent amount of wages paid or \$200, whichever is greater, is to be calculated based on the amount paid to each employee from the Wage Security Fund, rather than the total aggregated amount paid to the employees of the employer.



Brad Avakian

December 27, 2011

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings 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, when filings are accepted until 5:00 pm on the preceding workday.

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