

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

Bureau of Labor and Industries, Wage and Hour Division	839-021
Agency and Division	Administrative Rules Chapter Number

Marcia Ohlemiller, Bureau of Labor and Industries, 800 NE Oregon #1045, Portland, OR, 97232	971-673-0784
Rules Coordinator	Telephone

Address

RULE CAPTION

Amends Child Labor rules to conform to legislation enacted and corrects erroneous language in rule

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

AMEND: 839-021-0070; 839-021-0280; 839-021-0290

REPEAL:

Stat. Auth.: ORS 653.525

Other Auth.:

Stats. Implemented: ORS 653.305 – 653.545

RULE SUMMARY

These proposed rule amendments implement House Bill (HB) 2826 enacted in 2009, which removes the requirement that employers obtain a special permit before employing a minor under 16 years of age until 7 p.m. (9 p.m. between June 1 and Labor Day). The proposed rules also conform current language in the rules to the provisions of HB 2826, which shifts authority for the issuance of agricultural overtime permits from the Wage and Hour Commission to the Commissioner of the Bureau of Labor and Industries. Finally, OAR 839-021-0280 is being amended to clarify that minors may not be employed to operate or assist in the operation of power-driven farm machinery unless the employer has obtained an employment certificate as required *and* the minor has received required training in the operation of such machinery.

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.

November 25, 2009

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



Brad Avakian

October 12, 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