

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 839

Agency and Division Administrative Rules Chapter
Number

Implementing amendments to procedures for complaints of discriminatory practice to require signature by aggrieved party.

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 amendments to procedures to require signature by aggrieved party for complaints of discriminatory practice.

Statutory Authority: ORS 659A.805

Other Authority: SB 56, Oregon Legislative Assembly, 2009

Stats. Implemented SB 56 (amending complaint procedures), Oregon Legislative Assembly 2009

Need for the Rule(s): The proposed rules and amendments would implement recent amendments to procedures for complaints of discriminatory practice, and would clarify, edit and make housekeeping changes.

Documents Relied Upon, and where they are available: SB 56, 2009; available on the Oregon Legislature website.

Fiscal and Economic Impact:

No fiscal or economic impact is anticipated as a result of the proposed rules and amendments. The new enacted and newly amended laws that the proposed rules would implement are in current statutes or will be on January 1, 2010 and fiscal or economic impact, if any, would result from those laws. There is potential positive fiscal or economic impact for aggrieved parties claiming discriminatory practice, because the proposed rule amendments would implement and clarify laws already enacted, making it less likely that complainants will inadvertently violate the laws.

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 per se 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 aggrieved parties, 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 discrimination laws apply to Oregon employers generally. The proposed amendments to BOLI's complaint procedures apply to aggrieved parties, and not employers generally.

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

No new reporting, recordkeeping or other administrative activities are required or anticipated under the proposed rules. Existing complaints of discriminatory practice require some recordkeeping etc. and the newly enacted laws and amendments are not anticipated to substantially increase this. However, the proposed rules would merely implement provisions of these laws, not add additional requirements.

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 comment on drafts of proposed rules.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: As BOLI has no discretion when incorporating a legislative change into rules, no interpretation or amplification is required from an Advisory Committee.

Amy K. Klare, Administrator, Civil Rights Division November 4, 2009

Signature Printed name Date

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