

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 new Military Family Leave Act and amendments to OVCCLA and updating OFLA rules.
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 newly enacted Military Family Leave Act and amendments to Oregon Victims of Certain Crimes Leave Act and updating Oregon Family Leave Act rules.

Statutory Authority: ORS 659A.805

Other Authority: HB 2744 and SB 928, Oregon Legislative Assembly, 2009

Stats. Implemented: HB 2744 (Oregon Military Family Leave Act), SB 928 (amending OVCCLA), Oregon Legislative Assembly 2009; ORS 659A.270 to .285 (OVCCLA); ORS 659A.150 to .186 (OFLA)

Need for the Rule(s): The proposed rules and amendments would implement the newly enacted Oregon Military Family Leave Act (OMFLA), newly enacted amendments to the Oregon Victims of Certain Crimes Leave Act (OVCCLA), , and amend the rules implementing the Oregon Family Leave Act (OFLA) to reflect some recent amendments to federal Family and Medical Leave Act (FMLA) regulations and to clarify, edit and make housekeeping changes.

Documents Relied Upon, and where they are available: HB 2744, SB 928, 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 public or private employers because the proposed rule amendments would implement and clarify laws already enacted, making it less likely that covered employers 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 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:

OFLA and OMFLA apply to Oregon employers of 25 or more employees. OVCCLA applies to employers of 6 or more employees. Thus the proposed rules would also 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 new reporting, recordkeeping or other administrative activities are required or anticipated under the proposed rules. Existing Oregon employee leave laws 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 serve on the Rule Advisory Committee.

Administrative Rule Advisory Committee consulted?: Yes.

Amy K. Klare, Administrator, Civil Rights Division September 25, 2009

Signature

Printed name

Date

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