

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, Wage and Hour Division

839-001

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Rules Regulating Wage Claim Enforcement and Civil Penalties

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.) Amends rules regulating wage claim enforcement and civil penalties

Statutory Authority: ORS 651.060(4); 652.165; 652.900

Other Authority: House Bills 2254, 2256, and 2674 (2007 Legislature)

Stats. Implemented: ORS 652.010 – 652.900

Need for the Rule(s): The proposed rule amendments and new rules are needed to implement the provisions of House Bills 2254, 2256, and 2674 (2007 Legislature), effective January 1, 2008. These bills provide new civil penalty authority in ORS 652.900 for an employer's failure to timely provide an employee access to the employee's personnel records as required; failure to comply with established requirements for methods of paying wages pursuant to ORS 652.100; and failure to timely pay amounts deducted from an employee's wages to the appropriate recipient as required.

Documents Relied Upon, and where they are available: House Bills 2254, 2256, and 2674 (2007 Legislature); available on Oregon state website at <http://www.leg.state.or.us/> or upon request from the Bureau of Labor and Industries.

Fiscal and Economic Impact, including Statement of Cost of Compliance: It is not anticipated that the proposed rules will result in any additional costs to the Bureau of Labor and Industries or businesses beyond any identified as a result of the legislation upon which they are based.

How were small businesses involved in the development of this rule? Because the proposed rules amend existing rules to conform to legislation passed, it was not deemed necessary to involve small business in their development.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: For the same reason as above. The proposed rule amendments simply conform existing rules to legislation enacted.



Dan Gardner

10/5/07

Signature

Printed name

Date