

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
Agency and Division

839
Administrative Rules Chapter Number

Implementing protections for religious worship and child support obligors; requiring physical accommodations for eligible disabilities.

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 new statutes protecting religious worship by employees; making discrimination against child support obligors an unlawful employment practice; requiring access to toilets in places of public accommodation for individuals with eligible medical conditions; requiring lifts for individuals with disabilities in transient housing.

Statutory Authority: ORS 659A.805

Other Authority: ORS 25.424(3); HB 2600, SB 277 and SB 786, Oregon Legislative Assembly, 2009

Stats. Implemented: ORS 25.424(3) (making discrimination against child support obligors an unlawful employment practice), HB 2600 (requiring lifts for individuals with disabilities in transient lodging), SB 277 (requiring access to toilets in places of public accommodation for individuals with eligible medical conditions), and SB 786 (requiring employer accommodation of leave and clothing for religious worship)

Need for the Rule(s): The proposed rules and amendments would implement statutes (1) prohibiting discrimination on the basis of child support obligations, (2) requiring employer accommodation of religious leave and dress; (3) requiring access to toilets in places of public accommodation for individuals with eligible medical conditions, (4) requiring lifts in transient lodging for individuals with disabilities; and would clarify, edit and make housekeeping changes.

Documents Relied Upon, and where they are available: ORS 25.424(3); HB 2600, SB 277, SB 786 2009; available on Oregon Legislature website.

Fiscal and Economic Impact:

No fiscal or economic impact is anticipated as a result of the proposed rules and amendments. The laws that the proposed rules would implement are in current law or will be on January 1, 2010 and fiscal or economic impact, if any, would result from those laws. There is potential positive fiscal and economic impact for public and private employers because the proposed rule amendments would clarify laws, making it less likely that covered employers will inadvertently violate them

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 is anticipated because the statutory amendments the rules for the most part would implement are or will be in laws 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 rules for the most part would implement 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 public bodies and certain business owners, housing providers and employers 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. Thus the proposed rules would apply to those employers. Oregon Employment Department information indicates that approximately 10,000 private employers would potentially be affected by the proposed rules. Lift requirements in transient lodging would apply to facilities with 175 or more units. Toilet access requirements would apply to all Oregon places of public accommodation with 3 or more employees.

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.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor, or increased administration 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 October 15, 2009

Signature

Printed name

Date

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