

TITLE 51

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Chapter 651

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Bureau of Labor and Industries

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LABOR AND EMPLOYMENT

GENERAL PROVISIONS

651.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Bureau" means the Bureau of Labor and Industries.

(2) "Commissioner" means the Commissioner of the Bureau of Labor and Industries. [Amended by 1979 c.659 §1; 1987 c.158 §123]

BUREAU OF LABOR AND INDUSTRIES; COMMISSIONER

651.020 Bureau of Labor and Industries. The Bureau of Labor and Industries hereby is established as a separate department of this state. [Amended by 1979 c.659 §2]

651.030 Commissioner; election; term; qualifications. (1) The Bureau of Labor and Industries shall be under the control of the Commissioner of the Bureau of Labor and Industries which office hereby is created.

(2) The Commissioner of the Bureau of Labor and Industries shall be elected for a term of four years.

(3) The Commissioner of the Bureau of Labor and Industries shall be a citizen of this state who has been a resident of this state for over five years. [Amended by 1979 c.659 §3; 1995 c.107 §3]

651.040 Bond of commissioner. (1) The Commissioner of the Bureau of Labor and Industries shall, before entering upon the duties of the office of the commissioner, execute a bond to the state in the sum of \$5,000, conditioned upon the faithful, honest and impartial performance of the duties under ORS 651.030, 651.050, 651.060, 651.120, 651.160 and 651.170 and upon the prompt and faithful accounting for all fees of any nature collected by the commissioner or by designated assistants or deputies.

(2) The bond shall be approved by the Attorney General regarding its legal form and be filed in the office of the Secretary of State.

(3) The premium on the bond shall be payable from any fund under the control and administration of the commissioner or of the Bureau of Labor and Industries or from any appropriation made for the purpose of defraying the expenses of the commissioner or of the Bureau of Labor and Industries. [Amended by 1979 c.225 §1]

651.050 Duties of commissioner. The Commissioner of the Bureau of Labor and Industries shall cause to be enforced:

(1) All laws regulating the employment of adults and minors.

(2) All laws established for the protection of the health, lives and limbs of persons em-

ployed in workshops, factories, mills and other places.

(3) All laws enacted for the protection of employees.

(4) Laws which declare it to be a misdemeanor on the part of employers to require as a condition of employment the surrender of any rights of citizenship.

(5) Laws regulating and prescribing the qualifications of persons in apprenticeable trades and crafts, and similar laws. [Amended by 1959 c.406 §31; 1979 c.225 §2; 1981 c.851 §1; 1987 c.414 §90; 1995 c.386 §3]

651.060 Power to obtain evidence and take testimony; witness fees; staff; delegation; rules; public information programs; fees. (1) The Commissioner of the Bureau of Labor and Industries may issue subpoenas, subpoenas duces tecum, administer oaths, obtain evidence and take testimony in all matters relating to the duties required under ORS 279.348 to 279.380, 651.030, 651.050, 651.120, 651.170, 652.330, 653.055, 658.405 to 658.503 and 658.705 to 658.850 and wage claims arising under ORS 653.305 to 653.350 and in all contested cases scheduled for hearing by the Bureau of Labor and Industries pursuant to ORS chapter 183. Such testimony shall be taken in some suitable place in the vicinity to which testimony is applicable.

(2) Witnesses subpoenaed and testifying before any officer of the bureau shall be paid the fees and mileage provided for witnesses in ORS 44.415 (2), which payment shall be made from the fund appropriated for the use of the bureau, and in the manner provided in ORS 651.170 for the payment of other expenses of the bureau.

(3) The Commissioner of the Bureau of Labor and Industries shall employ a deputy commissioner and such other assistants or personnel as may be necessary to carry into effect the powers and duties of the commissioner or of the Bureau of Labor and Industries and may prescribe the duties and responsibilities of such employees. The commissioner may delegate any of the powers of the commissioner or of the bureau to the deputy commissioner and to the other assistants employed under this subsection for the purpose of transacting the business of the commissioner's office or of the bureau. In the absence of the commissioner, the deputy commissioner and the other assistants whom the commissioner employs shall have full authority, under the commissioner's direction, to do and perform any duty which the law requires the commissioner to perform. However, the commissioner shall be responsible for all acts of the deputy commissioner and of the assistants employed under this subsection.

(4) In accordance with any applicable provisions of ORS chapter 183, the Commissioner of the Bureau of Labor and Industries may adopt such reasonable rules as may be necessary to administer and enforce any statutes over which the commissioner or the Bureau of Labor and Industries has jurisdiction.

(5) The Commissioner of the Bureau of Labor and Industries may conduct and charge and collect fees for public information programs pertaining to any of the statutes over which the commissioner or the Bureau of Labor and Industries has jurisdiction. [Amended by 1959 c.627 §8; 1963 c.258 §1; 1971 c.734 §29; 1975 c.282 §1; 1979 c.225 §3; 1981 c.851 §2; 1983 c.636 §1; 1989 c.980 §17; 1997 c.240 §1]

Note: The amendments to 651.060 by section 305, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

651.060. (1) The Commissioner of the Bureau of Labor and Industries may issue subpoenas, subpoenas duces tecum, administer oaths, obtain evidence and take testimony in all matters relating to the duties required under ORS 279C.800 to 279C.870, 651.030, 651.050, 651.120, 651.170, 652.330, 653.055, 658.405 to 658.503 and 658.705 to 658.850 and wage claims arising under ORS 653.305 to 653.350 and in all contested cases scheduled for hearing by the Bureau of Labor and Industries pursuant to ORS chapter 183. Such testimony shall be taken in some suitable place in the vicinity to which testimony is applicable.

(2) Witnesses subpoenaed and testifying before any officer of the bureau shall be paid the fees and mileage provided for witnesses in ORS 44.415 (2), which payment shall be made from the fund appropriated for the use of the bureau, and in the manner provided in ORS 651.170 for the payment of other expenses of the bureau.

(3) The Commissioner of the Bureau of Labor and Industries shall employ a deputy commissioner and such other assistants or personnel as may be necessary to carry into effect the powers and duties of the commissioner or of the Bureau of Labor and Industries and may prescribe the duties and responsibilities of such employees. The commissioner may delegate any of the powers of the commissioner or of the bureau to the deputy commissioner and to the other assistants employed under this subsection for the purpose of transacting the business of the commissioner's office or of the bureau. In the absence of the commissioner, the deputy commissioner and the other assistants whom the commissioner employs shall have full authority, under the commissioner's direction, to do and perform any duty which the law requires the commissioner to perform. However, the commissioner shall be responsible for all acts of the deputy commissioner and of the assistants employed under this subsection.

(4) In accordance with any applicable provisions of ORS chapter 183, the Commissioner of the Bureau of Labor and Industries may adopt such reasonable rules as may be necessary to administer and enforce any statutes over which the commissioner or the Bureau of Labor and Industries has jurisdiction.

(5) The Commissioner of the Bureau of Labor and Industries may conduct and charge and collect fees for public information programs pertaining to any of the statutes over which the commissioner or the Bureau of Labor and Industries has jurisdiction.

ADMINISTRATION OF LABOR LAWS GENERALLY; FUNDS AND EXPENDITURES

651.110 Assistance and cooperation in enforcement of Fair Labor Standards Act of 1938. The Bureau of Labor and Industries may assist and cooperate with the Wage and Hour and Public Contracts Division of the United States Department of Labor and the Children's Bureau of the Federal Security Agency in the enforcement within this state of the Fair Labor Standards Act of 1938, approved June 25, 1938. Subject to the regulations of the administrator of the Wage and Hour and Public Contracts Division or the chief of the Children's Bureau and the laws of the state applicable to the receipt and expenditure of moneys, the Bureau of Labor and Industries may be reimbursed by said division of the United States Department of Labor or said bureau of the Federal Security Agency for the reasonable cost of such assistance and cooperation. Records of the Bureau of Labor and Industries acquired under this section shall be kept in confidence to the same extent the records of said federal agencies are confidential, except that they shall at all times be available to the proper agencies of the United States Government.

651.115 [1963 c.291 §1; 1967 c.56 §1; repealed by 1969 c.597 §281]

651.120 Entry and examination of workplaces. (1) The Commissioner of the Bureau of Labor and Industries may:

(a) Enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts such as are contemplated by ORS 279.355, 652.330, 653.045, 653.540 and 659A.835.

(b) Examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

(2) No owner or occupant, or the respective agent, of any factory, mill, office, or workshop, or public or private works, shall refuse to allow an inspector or employee of the Bureau of Labor and Industries to enter. [Amended by 1979 c.225 §4; 2001 c.621 §86]

Note: The amendments to 651.120 by section 306, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

651.120. (1) The Commissioner of the Bureau of Labor and Industries may:

(a) Enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts such as are contemplated by ORS 279C.850, 652.330, 653.045, 653.540 and 659A.835.

(b) Examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

(2) No owner or occupant, or the respective agent, of any factory, mill, office, or workshop, or public or private works, shall refuse to allow an inspector or employee of the Bureau of Labor and Industries to enter.

651.130 [Repealed by 1979 c.225 §5]

651.140 [Amended by 1959 c.627 §9; repealed by 1975 c.605 §33]

651.150 [Repealed by 1971 c.508 §4]

651.160 Bureau of Labor and Industries Account. (1) There hereby is established in the General Fund in the State Treasury an account to be known as the Bureau of Labor and Industries Account. Except as otherwise provided by law, all fees of whatever kind, and moneys received or collected by the Bureau of Labor and Industries and the Wage and Hour Commission, from every source, and paid into the State Treasury pursuant to law shall be credited to the Bureau of Labor and Industries Account. Except as otherwise provided by law, all moneys in the Bureau of Labor and Industries Account hereby are appropriated continuously for the payment of the salaries and all other expenses of the Bureau of Labor and Industries and the Wage and Hour Commission. All fees collected pursuant to ORS 651.060 (5) are appropriated continuously for the payment of expenses of public information programs conducted pursuant to ORS 651.060 (5).

(2) The Commissioner of the Bureau of Labor and Industries shall keep a record of all moneys deposited in the Bureau of Labor and Industries Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. [Amended by 1957 c.465 §1; 1979 c.659 §4; 1983 c.636 §2]

651.170 Payment of expenses. The Commissioner of the Bureau of Labor and Industries may incur such expense and employ such clerical aids as may be necessary to carry out ORS 279.352 (2) and 651.030, 651.050, 651.060 and 651.120. The Oregon Department of Administrative Services may draw warrants on the State Treasurer for the payment of such expense upon properly verified vouchers approved by the commissioner. However, such expense shall not exceed at any time the amount appropriated therefor. [Amended by 1959 c.627 §10; 1983 c.740 §239]

Note: The amendments to 651.170 by section 307, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

651.170. The Commissioner of the Bureau of Labor and Industries may incur such expense and employ such clerical aids as may be necessary to carry out ORS 279C.830 (2), 651.030, 651.050, 651.060 and 651.120. The Oregon Department of Administrative Services may draw warrants on the State Treasurer for the payment of such expense upon properly verified vouchers approved by the commissioner. However, such expense shall not exceed at any time the amount appropriated therefor.

651.180 [Amended by 1955 c.138 §3; 1957 c.465 §5; 1959 c.406 §32; renumbered 460.070]

651.185 Prevailing Wage Education and Enforcement Account. The Prevailing Wage Education and Enforcement Account is created in the General Fund of the State Treasury. All moneys in the account are appropriated continuously to the Commissioner of the Bureau of Labor and Industries to:

(1) Administer and provide investigations under and enforce the provisions of ORS 279.348 to 279.380;

(2) Provide educational programs on public contracting and purchasing law under ORS chapter 279; and

(3) Conduct surveys to determine prevailing wages. [1995 c.594 §7; 1999 c.152 §2]

Note: The amendments to 651.185 by section 308, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

651.185. The Prevailing Wage Education and Enforcement Account is created in the General Fund of the State Treasury. All moneys in the account are appropriated continuously to the Commissioner of the Bureau of Labor and Industries to:

(1) Administer and provide investigations under and enforce the provisions of ORS 279C.800 to 279C.870;

(2) Provide educational programs on public contracting and purchasing law under ORS chapters 279, 279A, 279B and 279C; and

(3) Conduct surveys to determine prevailing wages.

651.210 [Repealed by 1959 c.406 §34]

651.220 [Repealed by 1959 c.406 §34]

651.230 [Repealed by 1959 c.406 §34]

PENALTIES

651.990 Penalties. (1) Willful neglect or refusal by any person subpoenaed under ORS 651.060 to attend or testify at the time and place named in the subpoena is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not exceeding 30 days.

(2) Violation of ORS 651.120 (2) is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not exceeding 90 days. [Amended by 1983 c.740 §240]

