

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 1 - 2
Yeas:	Barnhart, Dallum, Riley, Witt
Nays:	Girod
Exc.:	Holvey, Lim
Prepared By:	Ellen Osoinach, Committee Administrator
Meeting Dates:	2/21, 2/26

WHAT THE MEASURE DOES: Consolidates laws governing investigations by the Bureau of Labor and Industries, Wage and Hour Commission, and State Apprenticeship and Training Council. Clarifies ability of these agencies to seek court enforcement of subpoenas prior to the filing of a formal complaint.

ISSUES DISCUSSED:

- Examples of other agencies whose subpoenas are enforced by courts prior to the filing of a formal complaint
- Bureau of Labor and Industries' criteria for filing a formal complaint

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Bureau of Labor and Industries (BOLI) enforces the laws that regulate labor practices, including laws governing wage and hour, civil rights, and apprenticeship and training standards. In this enforcement role, the agency is authorized to conduct investigations, issue subpoenas, and file formal complaints. Currently, the laws that govern BOLI's investigative process are scattered throughout the Oregon Revised Statutes. HB 2253 consolidates these laws into Title 51 the section under which BOLI, the Wage and Hour Commission, and the State Apprenticeship and Training Council are indexed.

In order to conduct investigations, BOLI is currently authorized to subpoena persons and documents that reasonably relate to the investigation. Based upon the results of an investigation, BOLI may decide to file a formal complaint in either an administrative proceeding or a circuit court. Once a formal complaint is filed, it is clear that a circuit court has the authority to enforce subpoenas that BOLI issues. What is not clear, however, is whether a circuit court has the authority to enforce a subpoena issued by BOLI during its investigation but prior to the filing of a formal complaint. HB 2253 clarifies the law by providing that BOLI subpoenas issued during an investigation but prior to the filing of a formal complaint may be enforced by a circuit court.