

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2372 **STATUS:** A-Engrossed
SUBJECT: Employer required periods for employees to express breast milk
GOVERNMENT UNIT AFFECTED: Bureau of Labor and Industries
PREPARED BY: John F. Borden
REVIEWED BY: Robin LaMonte
DATE: March 23, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments		

EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This measure would require an employer to provide an employee with a 30 minute rest period to express milk during each four-hour work period, unless otherwise agreed to by the employer and the employee. Employees are required to give reasonable notice to employers of intent to express milk in the workplace. The measure applies only to employers who employ 25 or more employees in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which the rest periods are to be taken or in the year immediately preceding the year in which the rest periods are to be taken.

The Bureau of Labor and Industries (BOLI) is required to adopt administrative rules to implement and enforce this measure. The civil penalty authorized by the measure is a maximum of \$1,000. Civil penalty revenue, after reimbursement of BOLI costs, goes to the Department of State Lands, Common School Lands Fund. The Commissioner of the BOLI must also appoint an advisory committee to address implementation or compliance issues. The measure does not specify that such members are entitled to compensation or reimbursement of expenses including travel expenses.

The fiscal impact of this measure is indeterminate. BOLI is unsure of the number of complaints that would be filed with the Commissioner. BOLI estimates that it will take between 20 to 50 staff hours to investigate each complaint. The amount of civil penalty revenue collection is therefore also indeterminate as well as the amount of any net proceeds deposited into the State School Fund.

BOLI would incur minimal costs associated with the promulgation of administrative rules, updating it educational and training materials, as well as providing administrative support for the advisory committee.