

Senate Bill 194

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands circumstances under which Director of Employment Department may reconsider determination of employer subjectivity, tax rate or tax assessment. Allows director to reconsider determination when determination resulted from misinformation provided by Employment Department, facts not previously known to department or errors caused by misapplication of law by department.

A BILL FOR AN ACT

1
2 Relating to reconsideration of determination made by Employment Department; amending ORS
3 657.676.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 657.676 is amended to read:

6 657.676. (1) Upon motion of the Director of the Employment Department or upon application of
7 an interested employer, the director may reconsider a determination of employer subjectivity, tax
8 rate or tax assessment, irrespective of whether *[it]* **the determination** has become final. *[Such re-*
9 *consideration shall be restricted to determinations resulting from clerical errors or errors of computa-*
10 *tion and may include a new decision upon any grounds or issues not previously ruled upon or new*
11 *facts not previously known to the director.]* **The director may reconsider a determination when**
12 **there is evidence of:**

13 (a) **Computation errors;**

14 (b) **Clerical errors;**

15 (c) **Misinformation provided to a party by the Employment Department;**

16 (d) **Facts not previously known to the department; or**

17 (e) **Errors caused by misapplication of law by the department.**

18 (2) *[Such]* **The** reconsideration shall be accomplished by the director or any employee the di-
19 rector may designate for the purpose, in accordance with rules adopted by the director. **The di-**
20 **rector or designated employee may make** a new determination, *[may be made to correct any error*
21 *with respect to the previous determination. Such new determination shall be]* **which is** subject to
22 hearing, review and appeal in accordance with ORS 657.485 and 657.679 to 657.684.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.