

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2386 B

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Tim Walker
Reviewed by: Michelle Deister
Date: 04/24/2015

Measure Description:

Authorizes Commissioner of Bureau of Labor and Industries to issue temporary cease and desist order under certain circumstances.

Government Unit(s) Affected:

Bureau of Labor and Industries (BOLI)

Summary of Expenditure Impact:

See Analysis.

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.

Analysis: This bill: replaces a “previous violation” with a “previous pattern of violations” and adds “other credible information” to those factors which may give BOLI a reason to believe that a cease and desist order is warranted; permits an employer to provide a bond in lieu of payment for wages if a temporary cease and desist order requires payment of wages to an employee in an amount disputed by the employer; permits an employer to request an administrative hearing to contest the cease and desist order, in response to which an administrative law judge must schedule a hearing to occur within 30 days and issue a final order, which is subject to appeal, within 30 days of the hearing’s conclusion; and authorizes a court to award attorney fees to the employer for any proceeding conducted as a result of a cease and desist order. In addition, the bill requires an administrative law judge to issue findings, exceptions, and order within 30 days of close of hearing.

The fiscal impact of this bill is indeterminate. BOLI is unable to estimate the number of additional cases that may result in additional attorney’s fees. BOLI estimates that if it were required to pay attorney’s fees on a contested case hearing it would be \$13,000 to \$16,000 per hearing. If the case was to be appealed to the Oregon Court of Appeals or the Supreme Court, attorney’s fees would easily reach the \$100,000 level.