

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2386

By COMMITTEE ON BUSINESS AND LABOR

April 28

1 On page 2 of the printed A-engrossed bill, line 21, delete “violation” and insert “pattern of vio-
2 lations”.

3 In line 24, delete “or”.

4 In line 26, delete the period and insert “; or

5 “(e) Other credible information.

6 “(7) The commissioner may not enforce a temporary cease and desist order issued under sub-
7 section (6) of this section that would preclude the ongoing harvest or distribution of perishable ag-
8 ricultural products. However, a temporary cease and desist order described in this subsection
9 becomes enforceable after completion of the harvest or distribution that is in progress at the time
10 the commissioner issues the order.

11 “(8) If a temporary cease and desist order issued under subsection (6) of this section mandates
12 compensation to an employee in an amount that is disputed by an employer, the employer may pro-
13 vide a bond in lieu of payment to ensure timely payment of compensation for a future period in an
14 amount the commissioner determines necessary. Any amount required for payment to the employee
15 or bond shall be stated in the temporary cease and desist order.

16 “(9) An employer may request a hearing under ORS 183.413 to 183.470 to contest all or part of
17 a temporary cease and desist order. To request a hearing, the employer shall:

18 “(a) Request in writing to the commissioner a hearing to contest the temporary cease and desist
19 order;

20 “(b) Specify the grounds on which the employer contests the temporary cease and desist order;
21 and

22 “(c) Include with the request information necessary to support the grounds on which the em-
23 ployer contests the temporary cease and desist order.

24 “(10) If an employer requests a hearing to contest a temporary cease and desist order that was
25 issued under subsection (6) of this section, an administrative law judge of the Bureau of Labor and
26 Industries shall schedule the hearing to take place within 30 days of receipt of the request by the
27 commissioner.

28 “(11) Upon close of a hearing held under subsection (10) of this section, the administrative law
29 judge shall prepare and issue findings, exceptions and an order within 30 days. The order issued by
30 the administrative law judge under this subsection shall be a final order subject to appeal under
31 ORS 183.480 to 183.497.

32 “(12) For any proceeding conducted under subsection (10) of this section, a court may award
33 attorney fees to the employer under ORS 20.105, 182.090 or 183.497.”.

34