



March 2017

## Bureau of Labor and Industries

Brad Avakian, Commissioner

### 2017-2019 Budget Presentation



The Bureau of Labor and Industries protects Oregon workers, serves as a resource for Oregon employers, and strengthens our state's economy through skills training and leading edge workforce development.



# Agency history

- Legislature establishes Bureau of Labor Statistics and Inspector of Factories and Workers in 1903
- Bureau charged with maintaining “friendly relations” between employers and employees
- First Labor Commissioner, O.P. Hoff, served as Bureau's first and only employee, responsible for enforcing child labor laws, the 10-hour working day for women and the factory inspection law

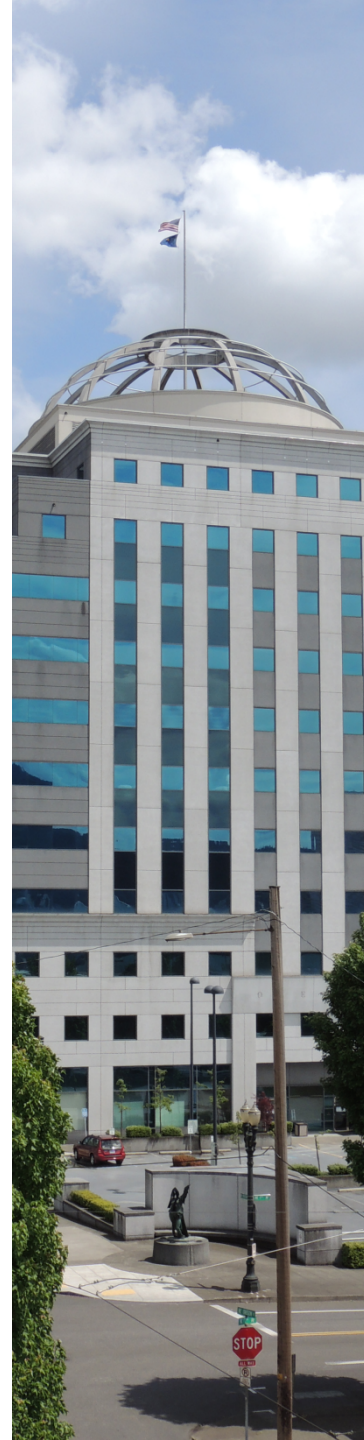


# Protecting workers and industry

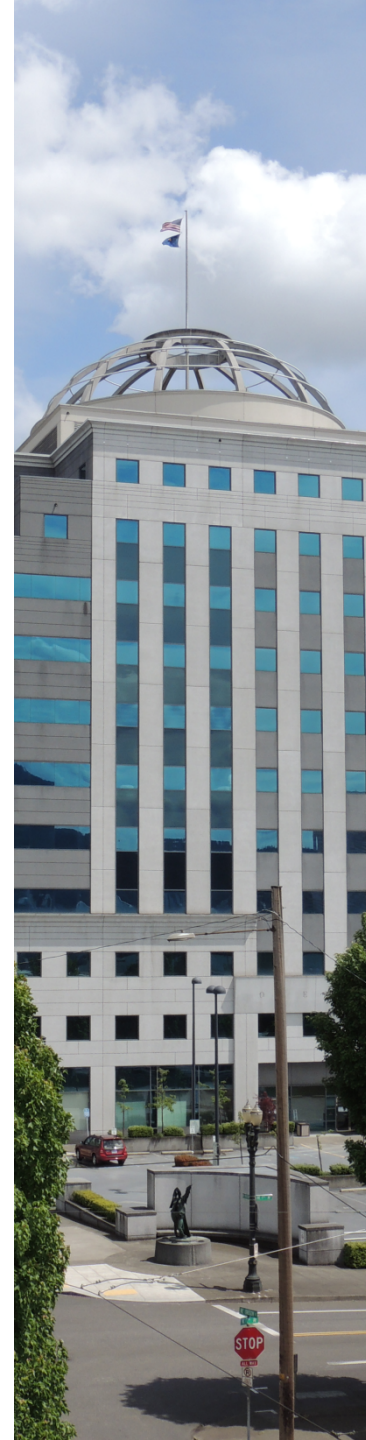
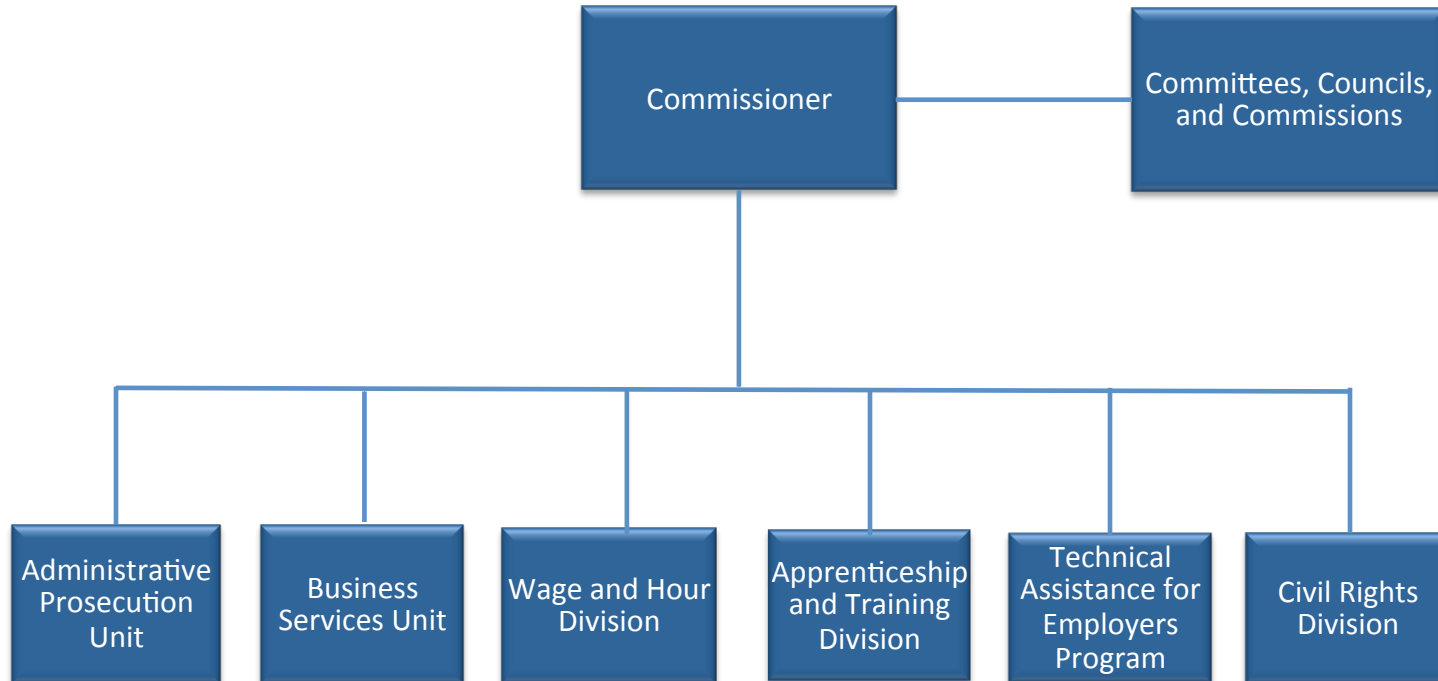
Today, BOLI has just under 100 staff members in offices around the state, with a total two-year budget of approximately \$27 million.

The Bureau of Labor and Industries:

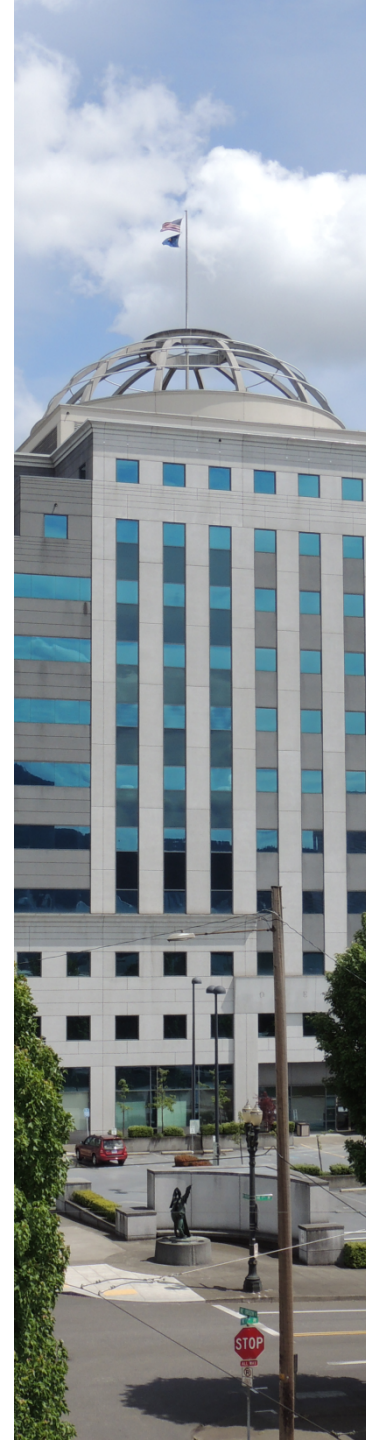
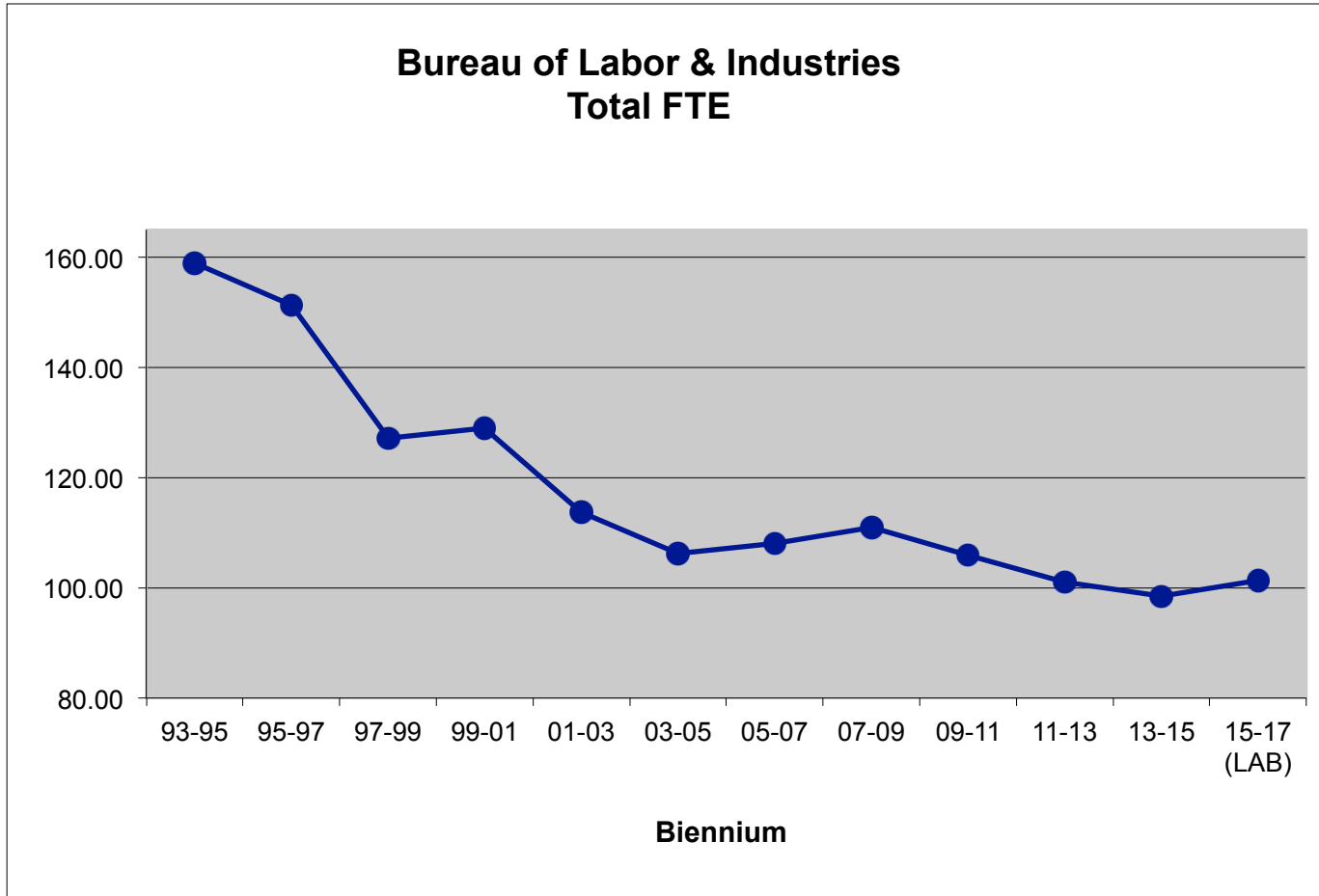
- Protects Oregon's workforce
- Supports Oregon employers through technical assistance
- Strengthens our state's economy by helping to create a pipeline of highly skilled, well-trained workers



# Organizational chart

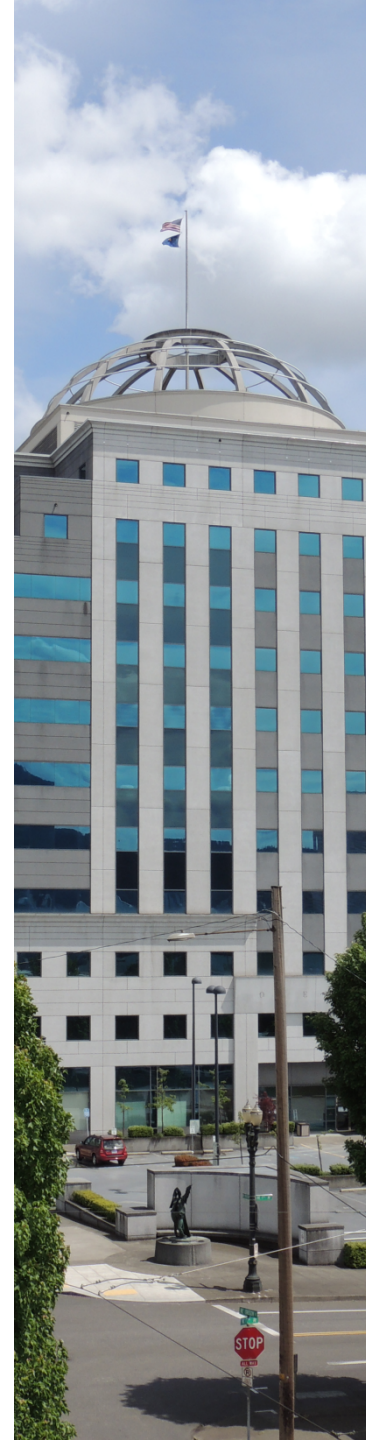
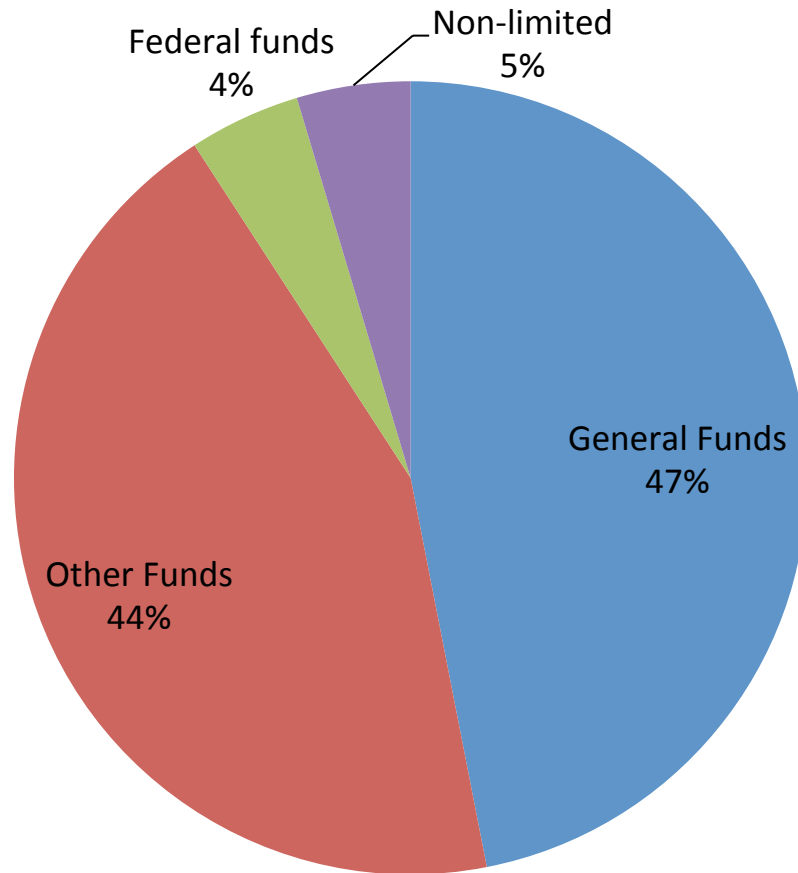


# FTE reductions



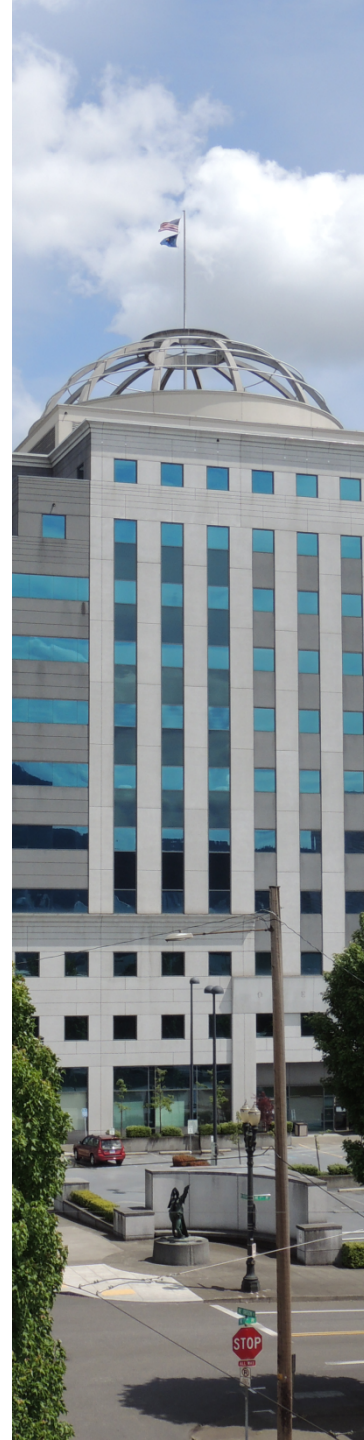
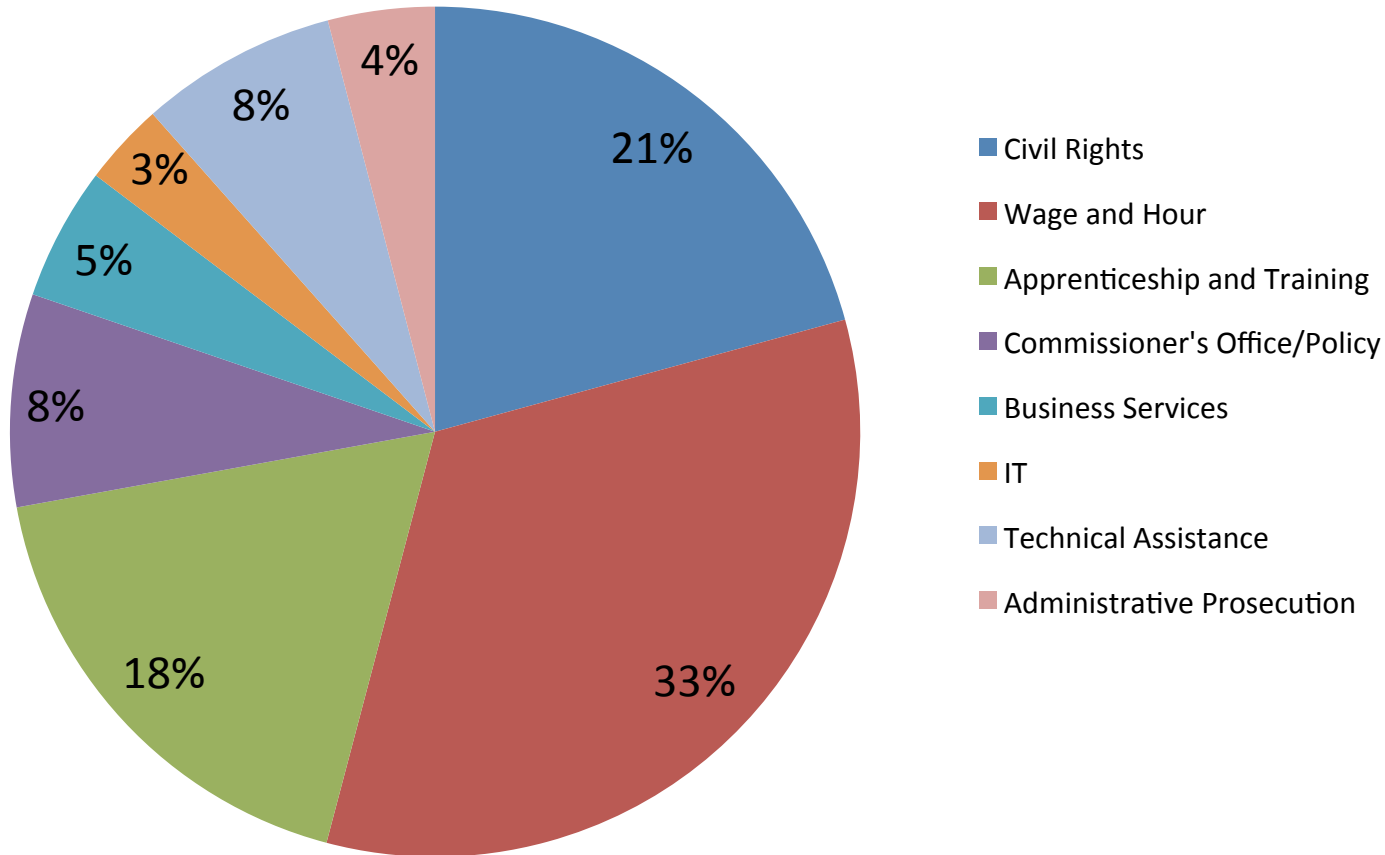
# BOLI's budget sources

## Governor's Recommended Budget 2017-2019 by Fund Source



# BOLI's budget sources

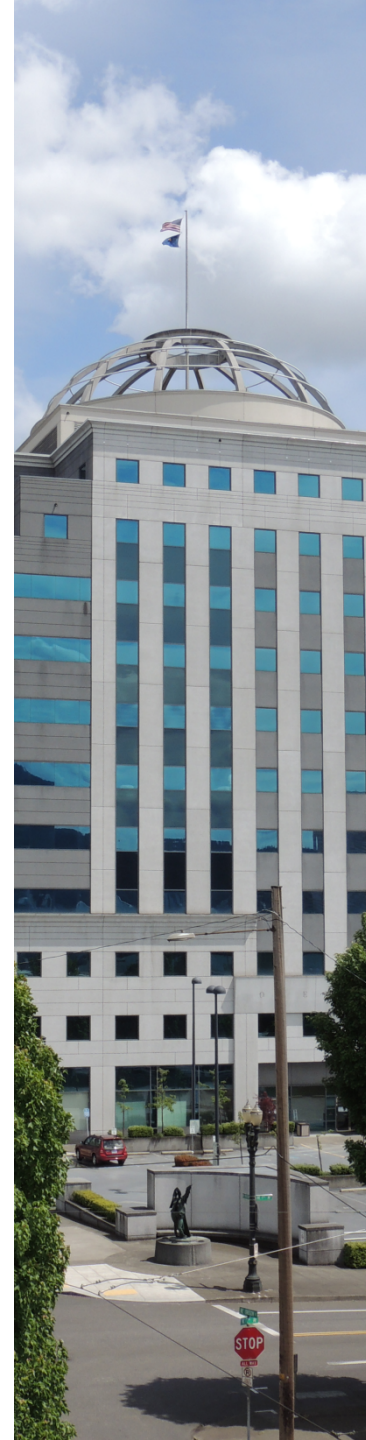
## Governor's Recommended Budget 2017-2019 by Program





# Summary of 2017 BOLI Legislation

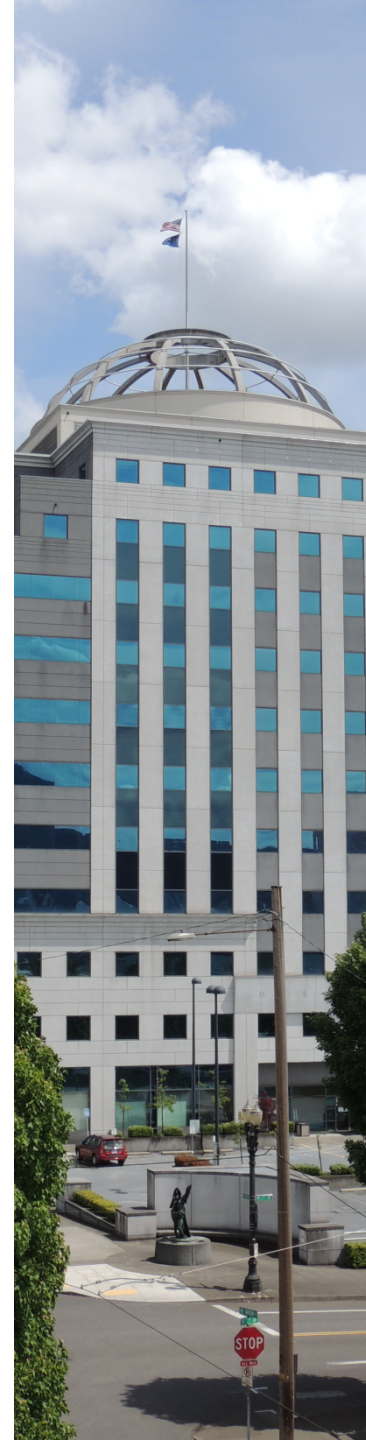
Bill	Title	Description	Related Statute(s)
HB 2572	Labor Contractors	Allows labor contractors in good standing to apply for two or four year licenses as long as they are in good standing for the previous two years and have fulfilled all licensing requirements.	658
SB 298	Housing	Makes permanent the changes adopted in 2015 legislation giving BOLI more discretion in determining whether to pursue a housing complaint once a party has elected to court and whether to file formal charges in housing discrimination cases.	659A
SB 416	PWR Housekeeping	Clarifies prevailing wage rate laws in various respects. Provides guidance regarding dividing projects. Makes language easier to understand. Modifies bond requirements. Further explains obligations of contractors and subcontractors.	279C



# Other Legislation

If passed, could significantly impact BOLI workload

Bill(s)	Title	Related Statute(s)
HB 2005/SB 752	Pay Equity	652, 659A
HB 2167/SB 292	Workplace Bullying	659A
HB 2193/SB 828	Employee Work Schedules	659A
HB 2194	PWR – Public Funds include Tax Credits	279C
HB 2215	Right to Rest, Homeless Bill of Rights	659A
HB 3328	Veterans Preference	408,659A
SB 301	Marijuana in the Workplace	659A
Various	Sick Time, Minimum Wage	652, 653





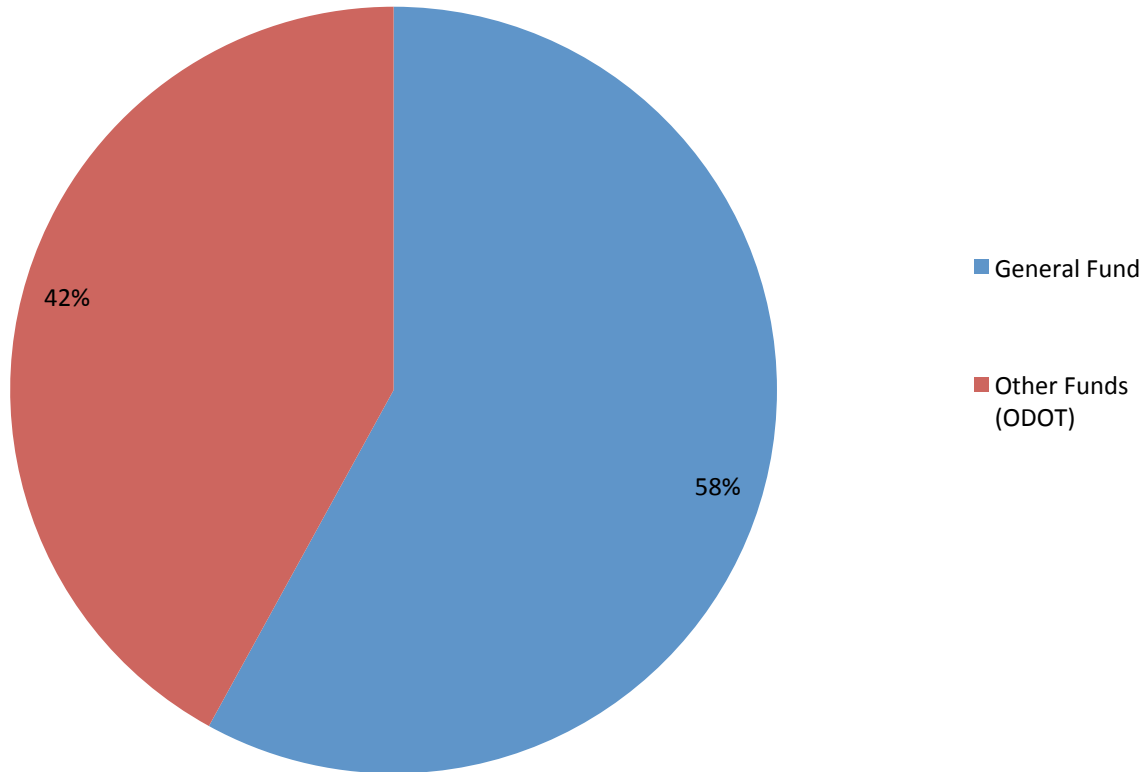
# Apprenticeship and Training

# Apprenticeship and Training Division

- Assists business and industry in identifying skills training gaps and developing registered training programs
- Registers and monitors the operation of registered apprenticeship programs, tracking and certifying skills attainment by participants and provides oversight to programs to ensure that they meet all statutory obligations
- Provides technical assistance to employers, labor unions and industry groups operating apprenticeship programs
- Certifies approximately 1,200 new journey workers every year
- The Equal Employment Opportunity requirements of registered apprenticeship programs have led to an increase in the proportion of protected class minorities enrolled in registered apprenticeship programs – 18.3% of all new program registrants in 2016 were from protected class minority groups



# Apprenticeship and Training Division Funding Sources



# Apprenticeship and Training Division

## Fast Facts

**4,346**

Active Employers

**8,026**

Active Apprentices

**2,700**

Individuals Served  
Through Direct Outreach

**3,388**

New Apprenticeship  
Registrations in FY 2016

**220**

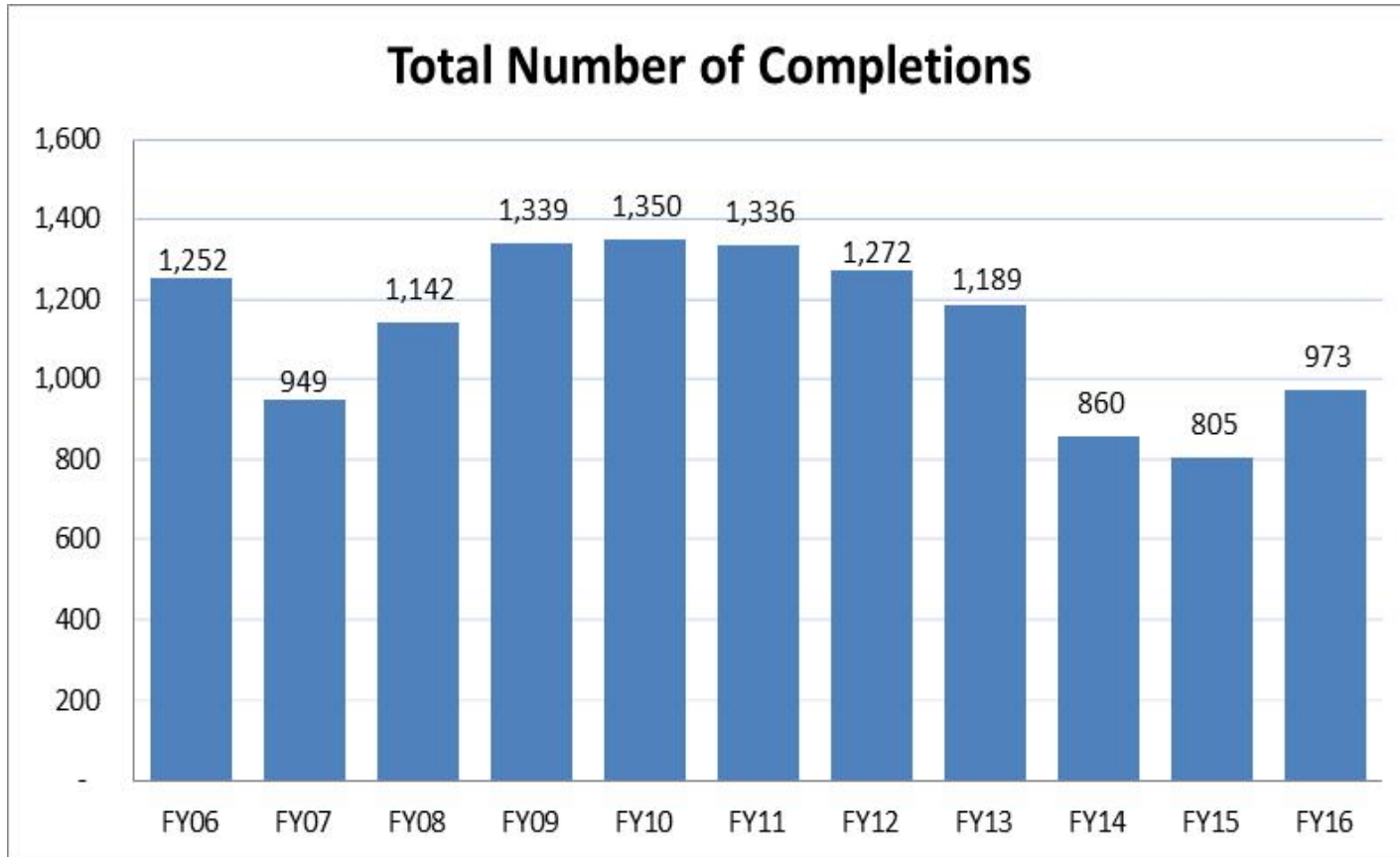
New Female and Minority  
Journey Workers in FY 2016

**1,087**

New Journey  
Workers in FY 2016



# Creating a pipeline of skilled workers



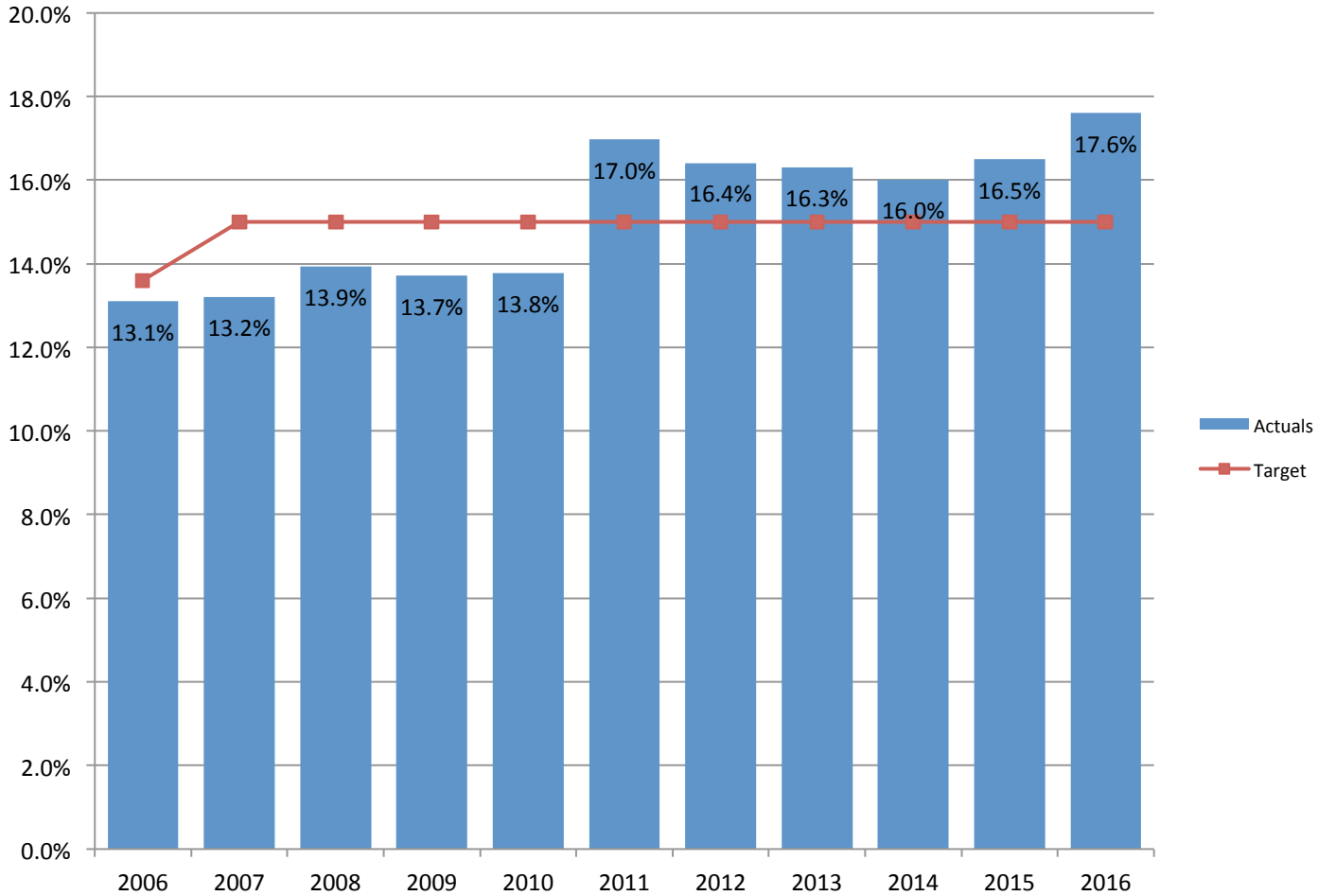
# Total apprenticeship completions

Fiscal Year	Total Number of Completions	Number of Women	Percentage of Women	Number of Minorities	Percentage of Minorities
2006	1252	38	3.03%	151	12.06%
2007	949	30	3.16%	119	12.54%
2008	1142	50	4.38%	129	11.29%
2009	1339	59	4.41%	179	13.37%
2010	1350	48	3.55%	149	11.04%
2011	1336	68	5.98%	156	11.68%
2012	1272	49	3.85%	140	11.00%
2013	1189	46	3.87%	139	11.70%
2014	860	53	6.16%	127	14.77%
2015	805	32	3.97%	136	16.89%
2016	973	41	4.21%	149	15.31%

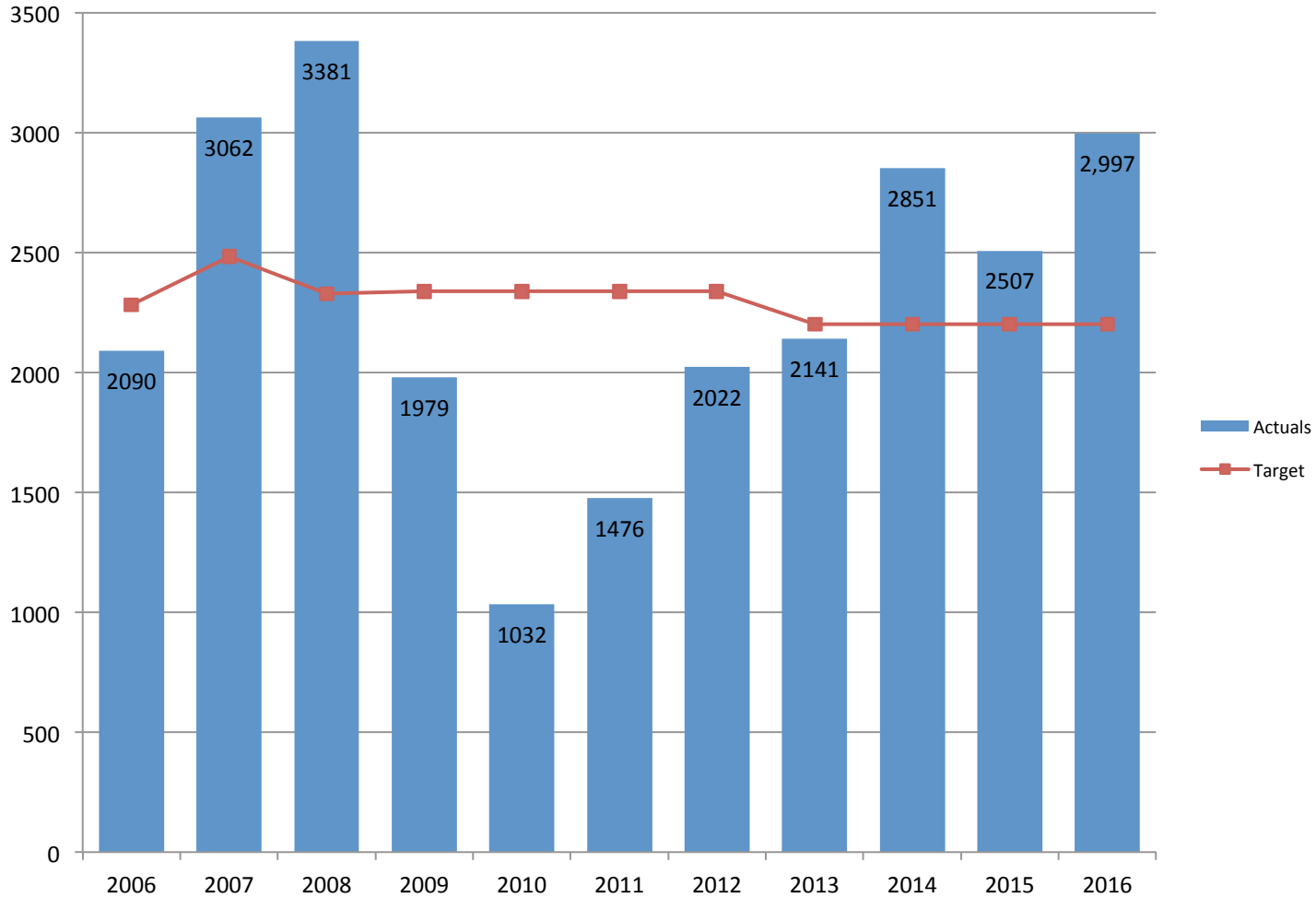




# Percentage of minority apprentices



# Newly registered apprentices



# Program changes

- Shift away from compliance towards facilitating outreach, recruitment, selection of apprentices to accommodate the expansion of registered apprentices and retention of apprentices
- Increased collaborations with Oregon Department of Education, Oregon Employment Department and Office of Community Colleges and Workforce Development to make registered apprenticeship a part of Oregon's workforce and education strategic plans



# Ongoing improvement

- BOLI is focused on addressing the continuing need to link K-12 education, community colleges and registered apprenticeship for the benefit of students and employers
- Division works to increase female and minority participation in registered apprenticeship and to increase program completions among women and minorities



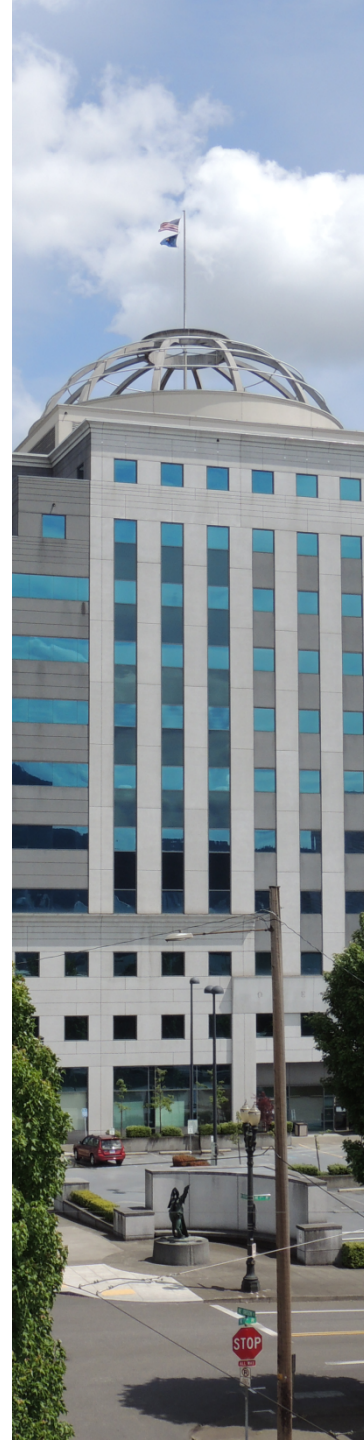


# Wage and Hour Division

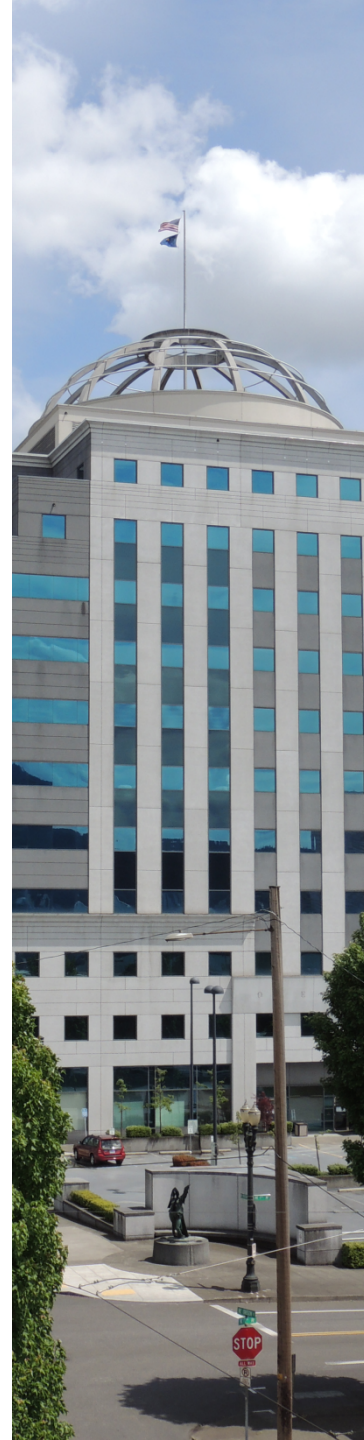
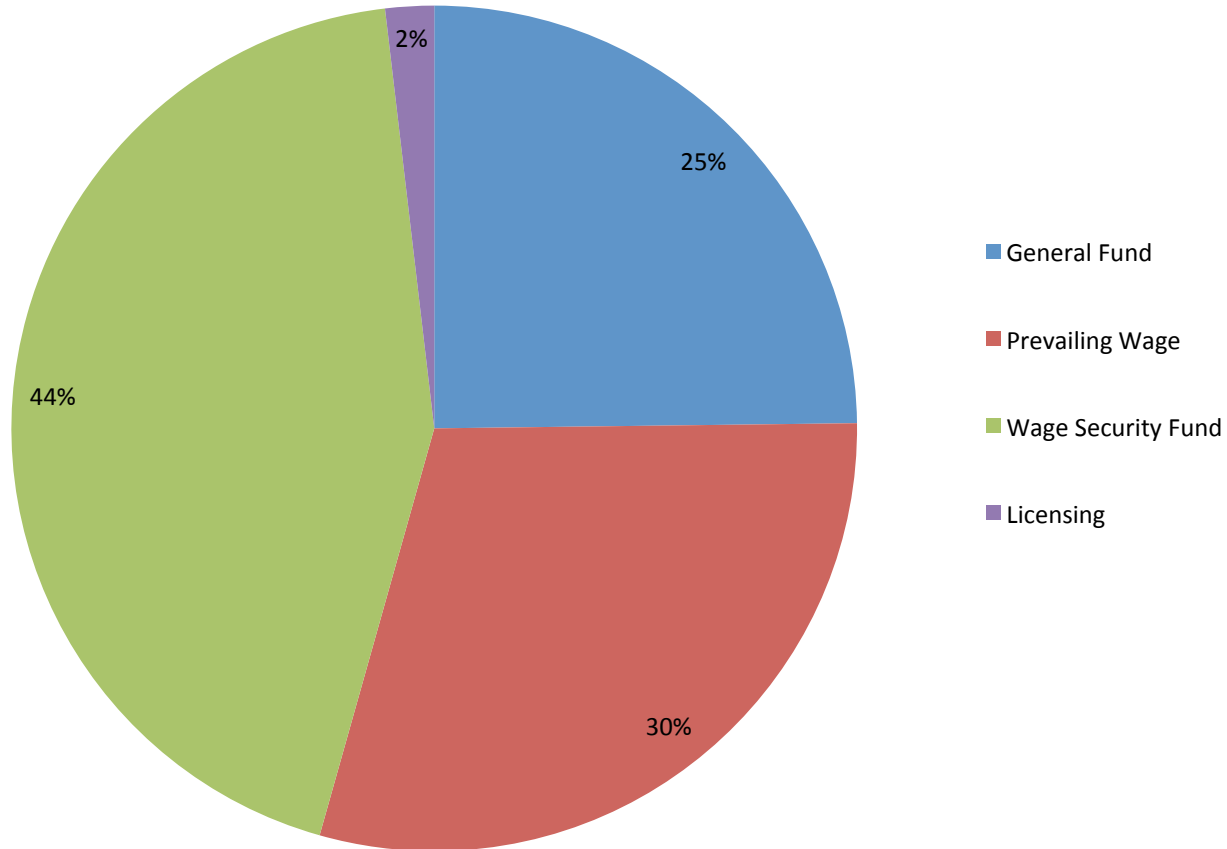
# Wage and Hour Division

The Wage and Hour Division protects the employment rights of Oregonians by investigating claims and complaints from workers relating to:

- Payment of wages and working conditions, including minimum wage and overtime
- Protecting children in the workplace
- Payment of prevailing wage rates on public works contracts
- Licensing and regulating farm, forest, and construction labor contractors
- Access to and use of mandatory sick time



# Wage and Hour Division Funding Sources



# Wage and Hour Division

## Fast Facts

**1,300**

Investigations of unpaid wages per year

**19,000**

Workers helped through Wage Security Fund since 1986

**400**

Number of Wage Security Fund claims filed per year

**16**

Number of compliance staff for all Wage and Hour

**35,000**

Number of inquiries per year

**3,700**

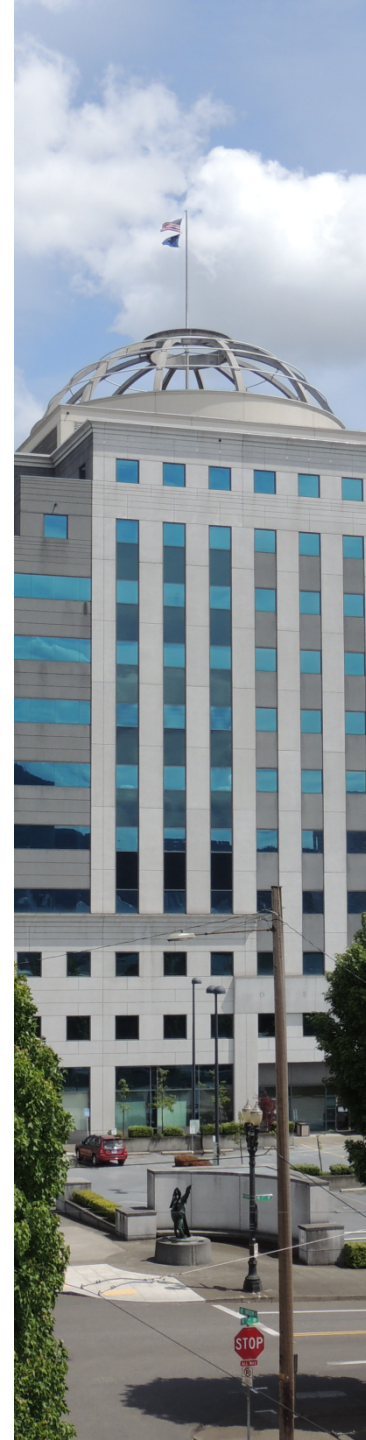
Number of employment certificates issued to employers for employment of minors

**100**

Prevailing wage investigations per year

**400**

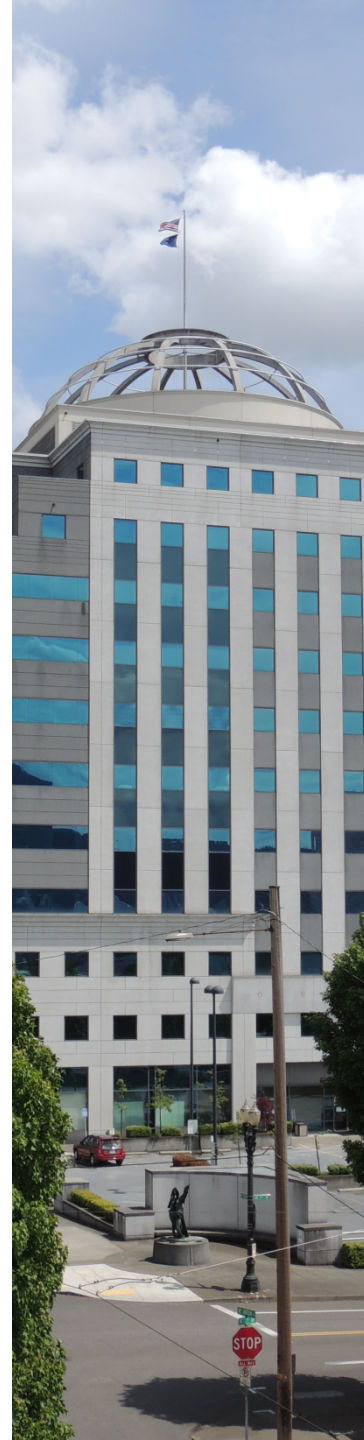
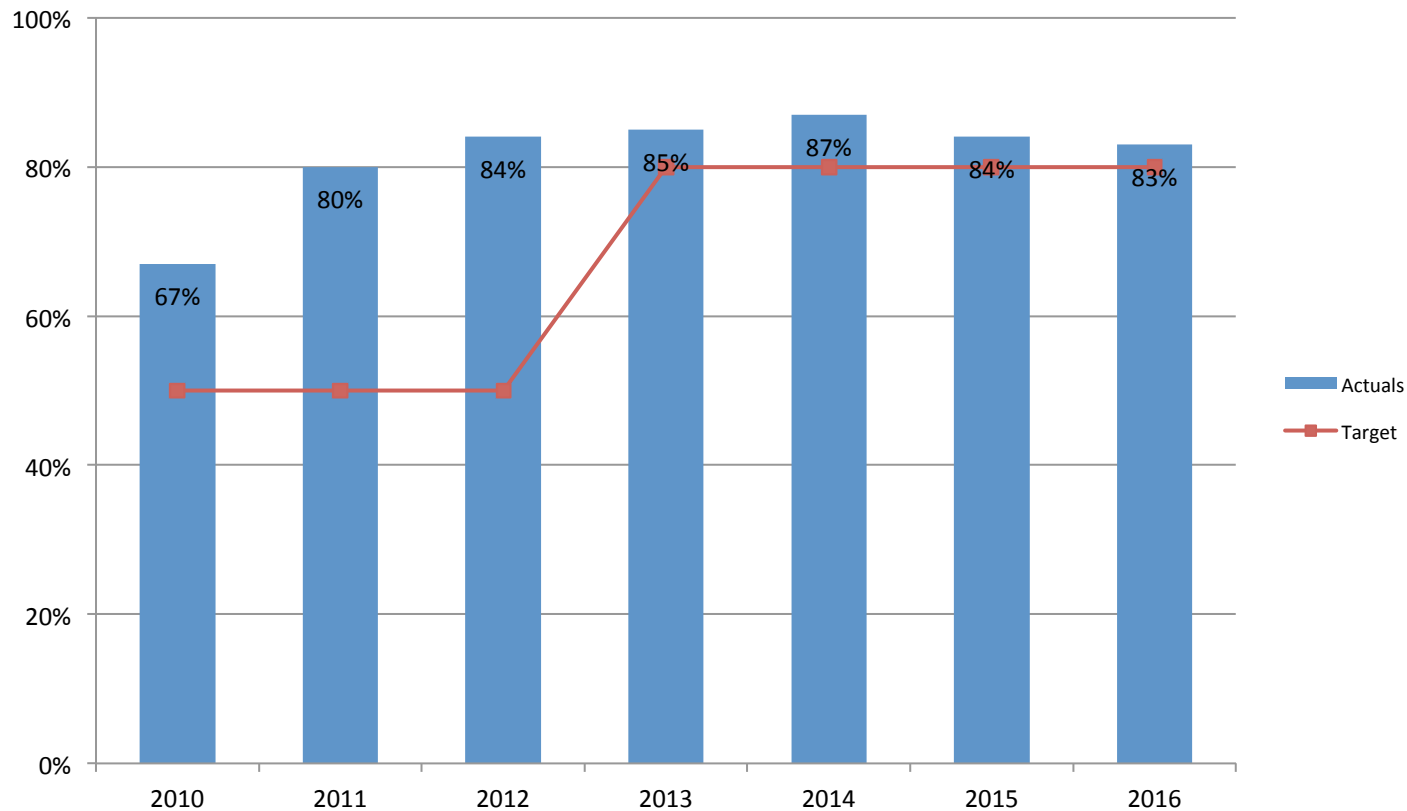
Number of farm, forest and construction labor contractor licenses issued





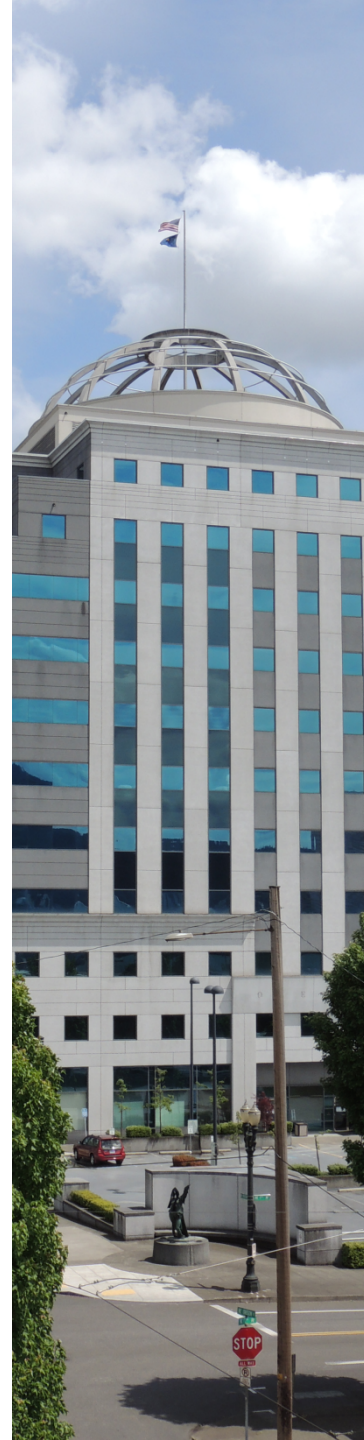
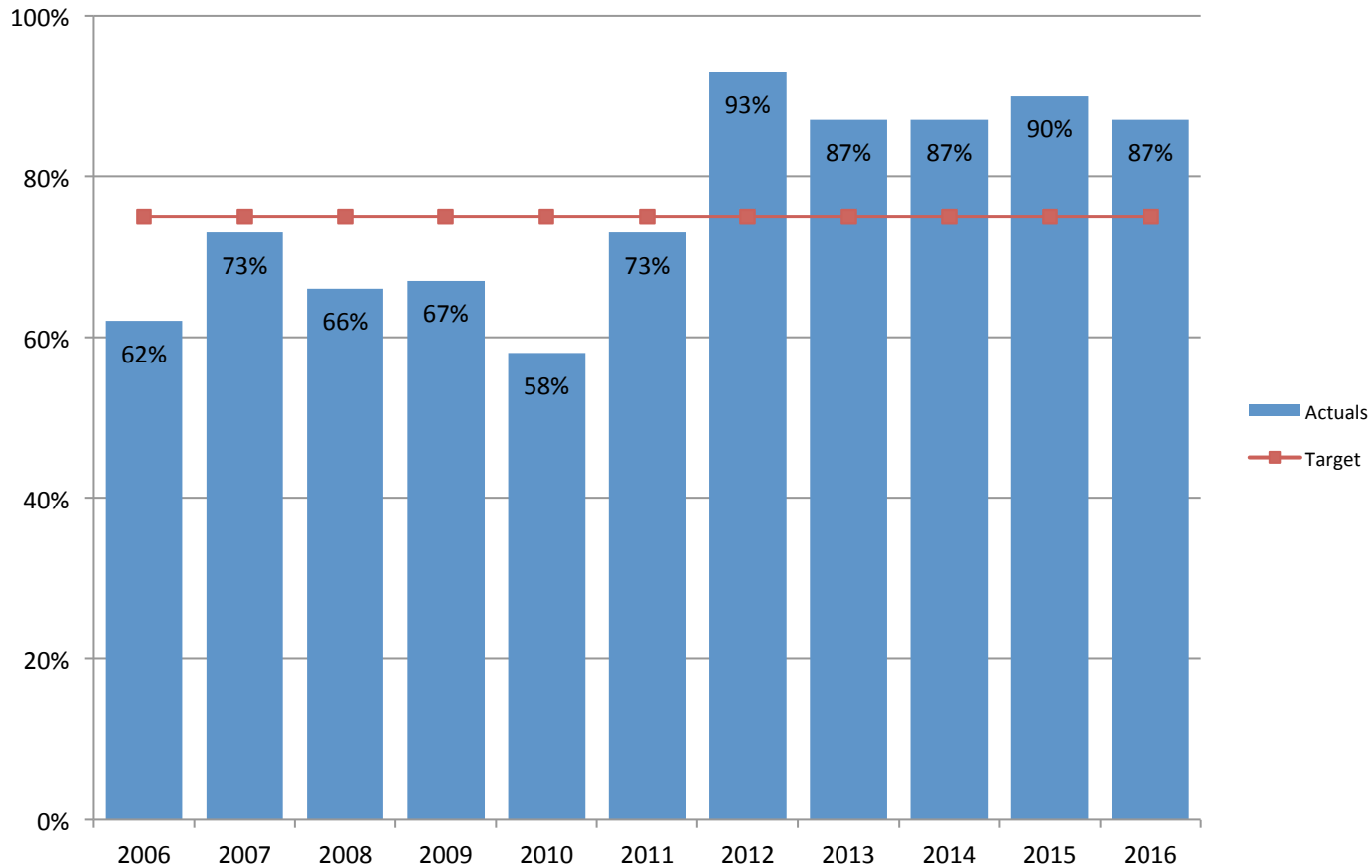
# Timely processing of complaints

Intake and screening; demand letter; investigation



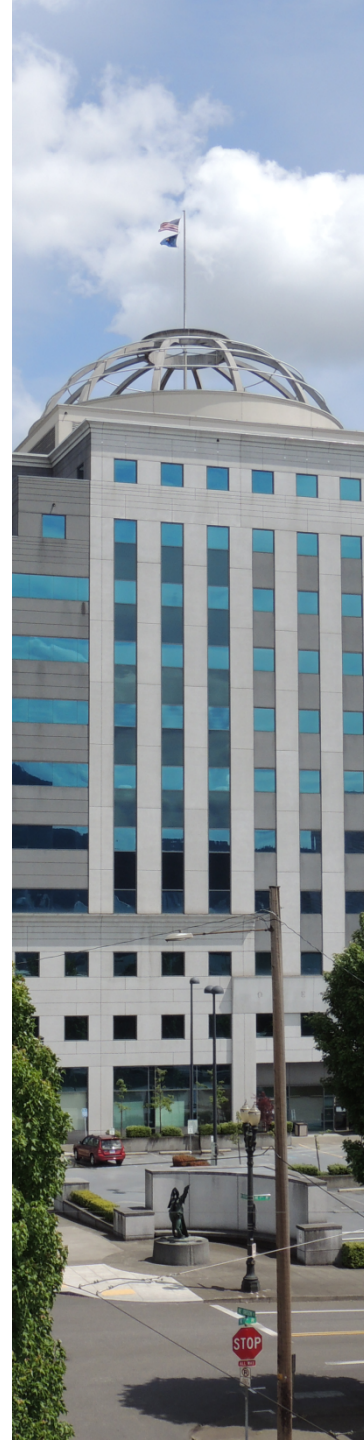
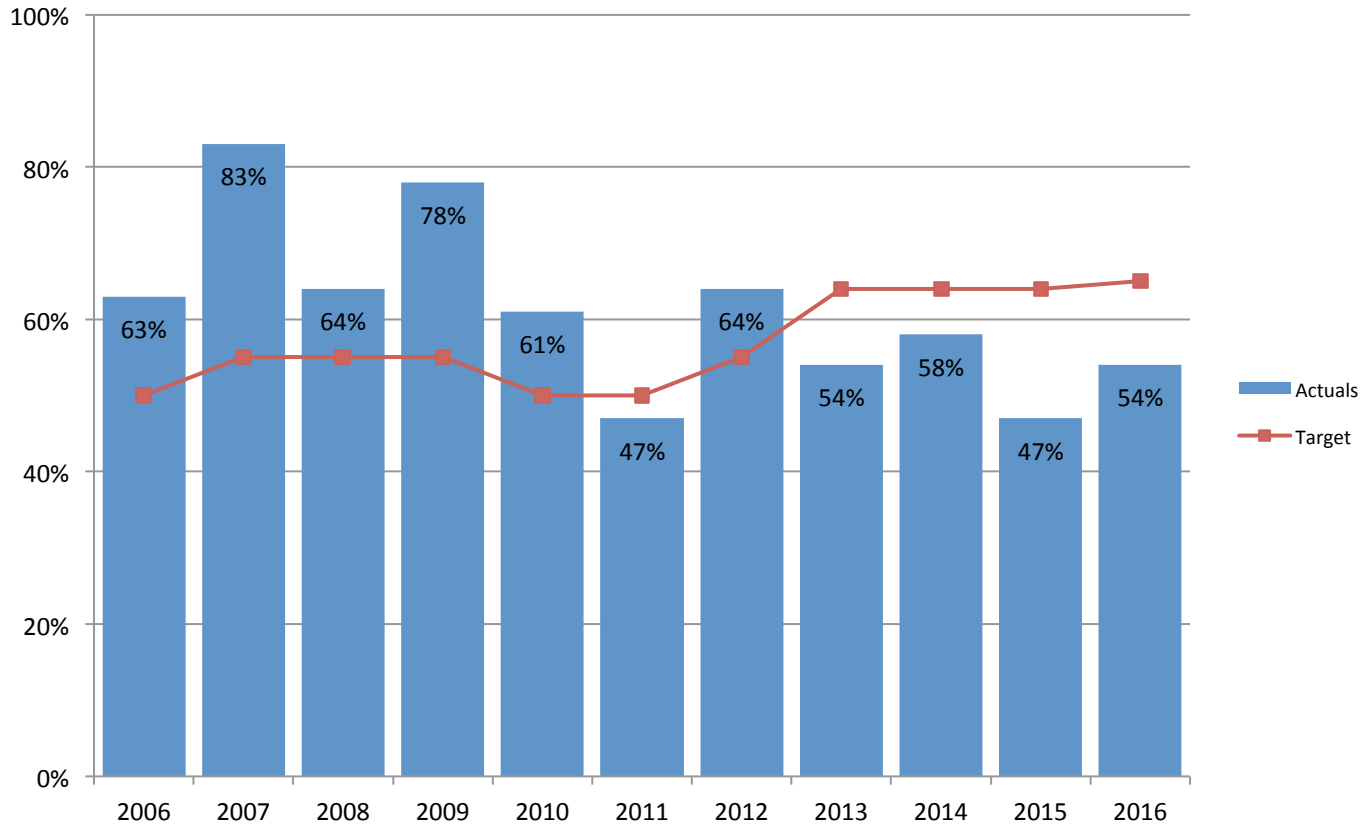
# Timely wage security claim processing

## Completions within 90 days

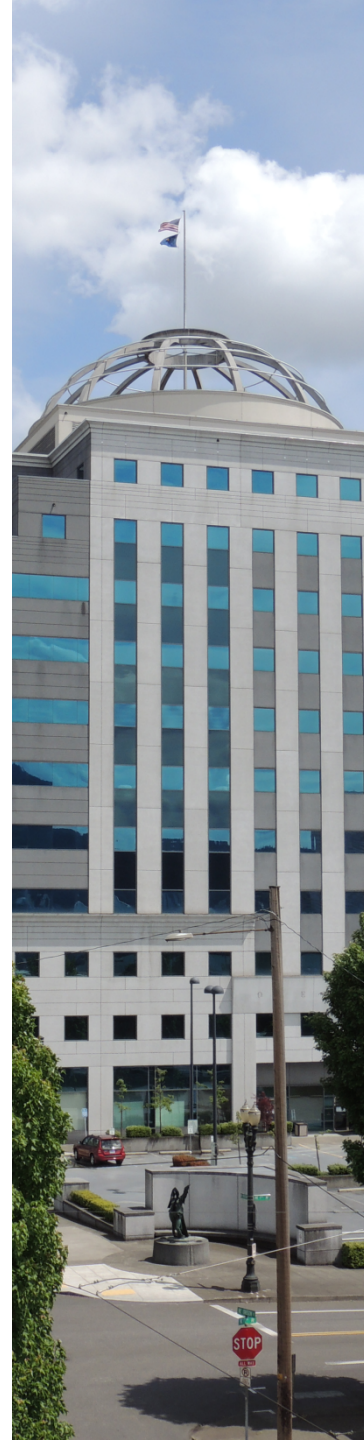
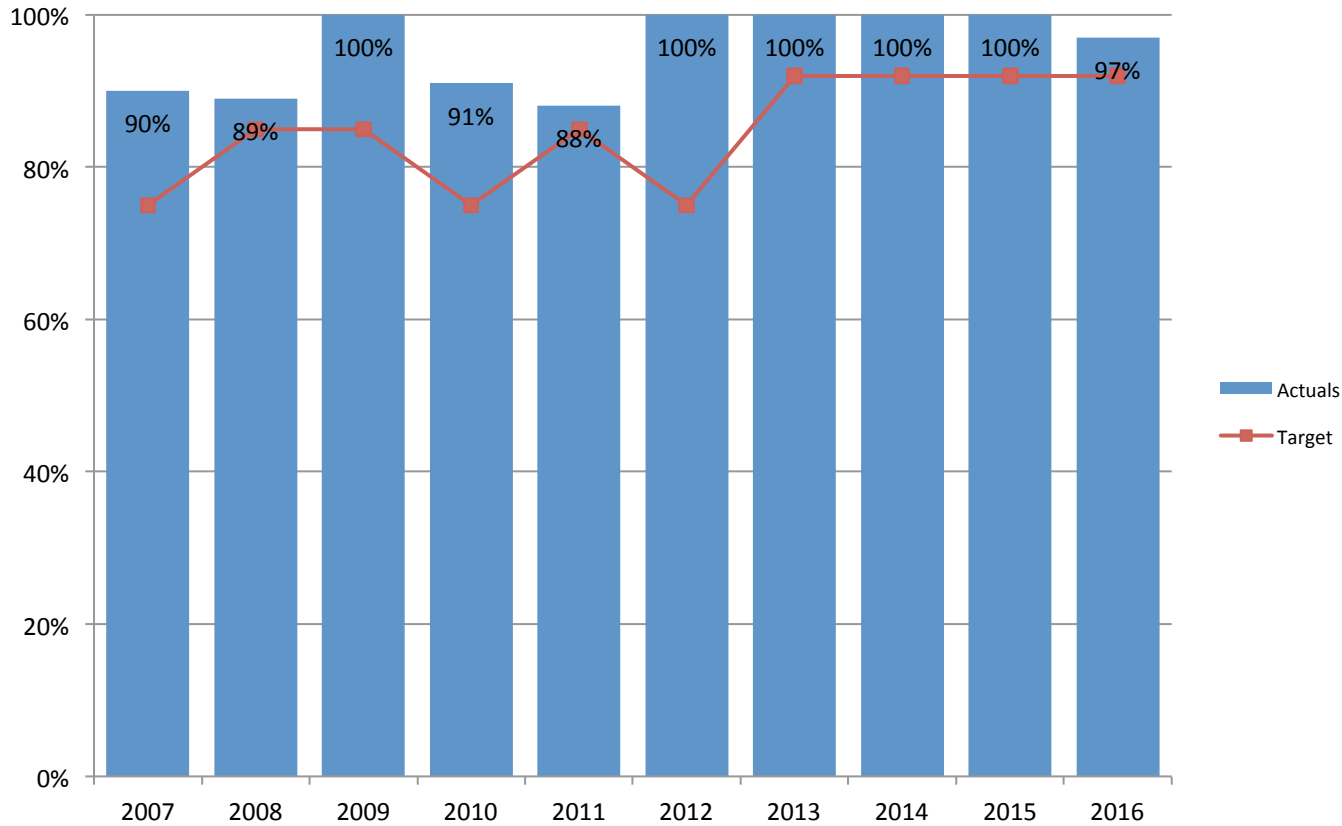


# Prevailing Wage investigations

## Completions within 90 days

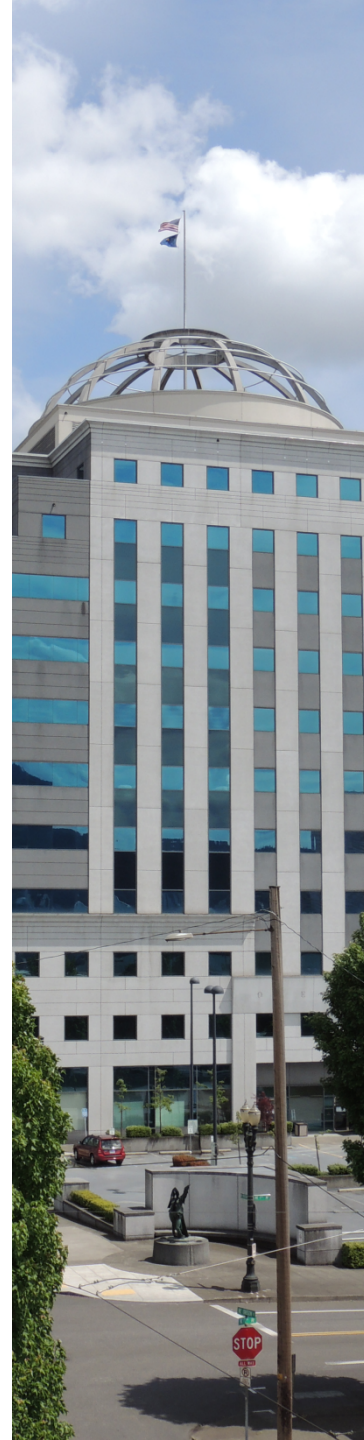


# Prevailing Wage pre-determinations Completions within 15 days



# Wage and Hour Division Summary

- Demand for services remains constant
- Programs allow for the timely resolution of disputes between employees and employers
- Improves Oregonians' access to justice by providing an effective means to recover unpaid wages for workers who lack the resources to take action privately
- Protects wages and working conditions on the job, including access to sick time
- Supports law-abiding employers who are competitively disadvantaged by businesses that do not comply with the state's wage and hour regulations





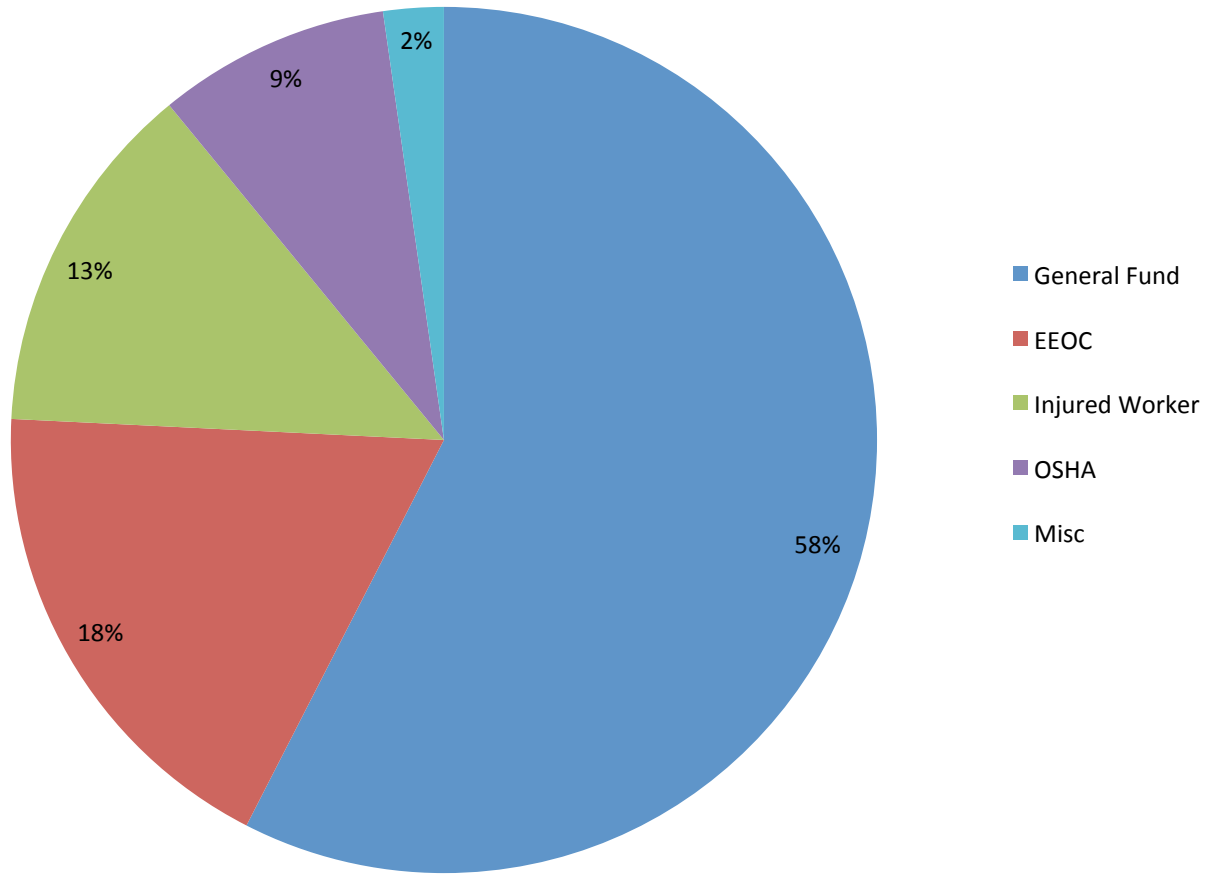
# Civil Rights Division

# Civil Rights Division

- The Civil Rights Division works to ensure that Oregonians are treated fairly in employment, housing and public accommodations. The division:
  - Enforces laws that grant job seekers and employees equal access to jobs, promotions, and a work environment free from discrimination and harassment
  - Provides retaliation protection when reporting worksite safety violations, using family leave, or workers' comp
  - Protects individuals seeking housing or the use of public facilities (retail establishments, transportation, etc.)
  - Ensures equal access to career schools



# Civil Rights Division Funding Sources





# Civil Rights Division

## Fast Facts

1,700

Investigations

40,000

Inquiries a year

90%

Percentage of employment  
complaints

10%

Housing, career schools,  
and public accommodations  
complaints

34%

Disability

36%

Sex discrimination

17%

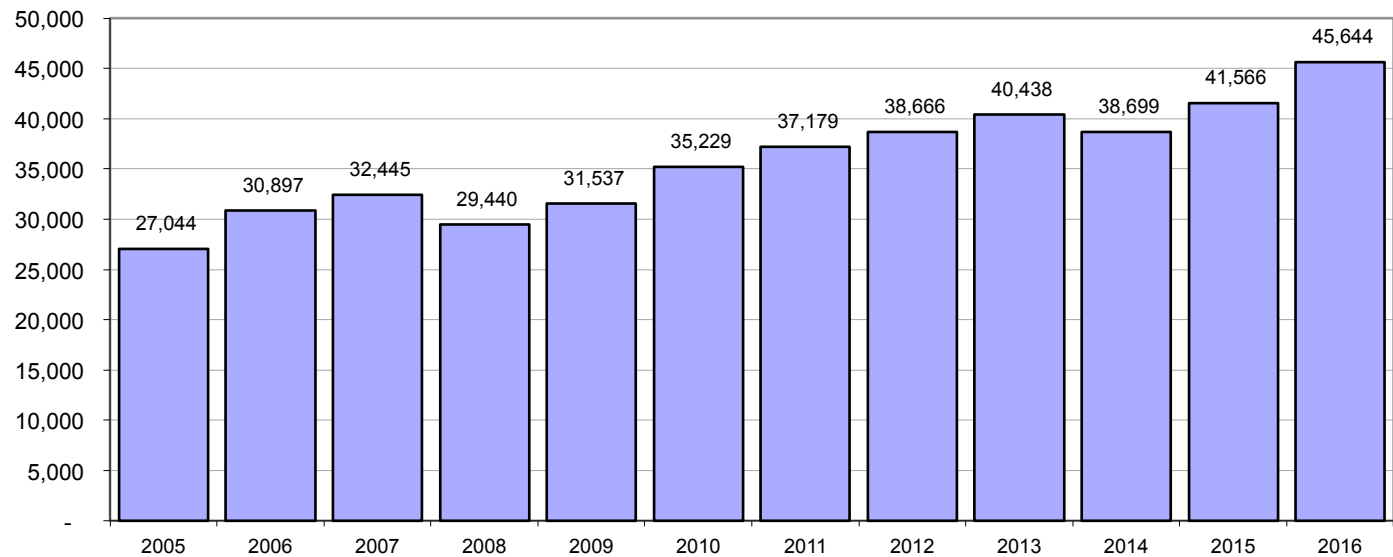
Injured worker

16%

Race/color

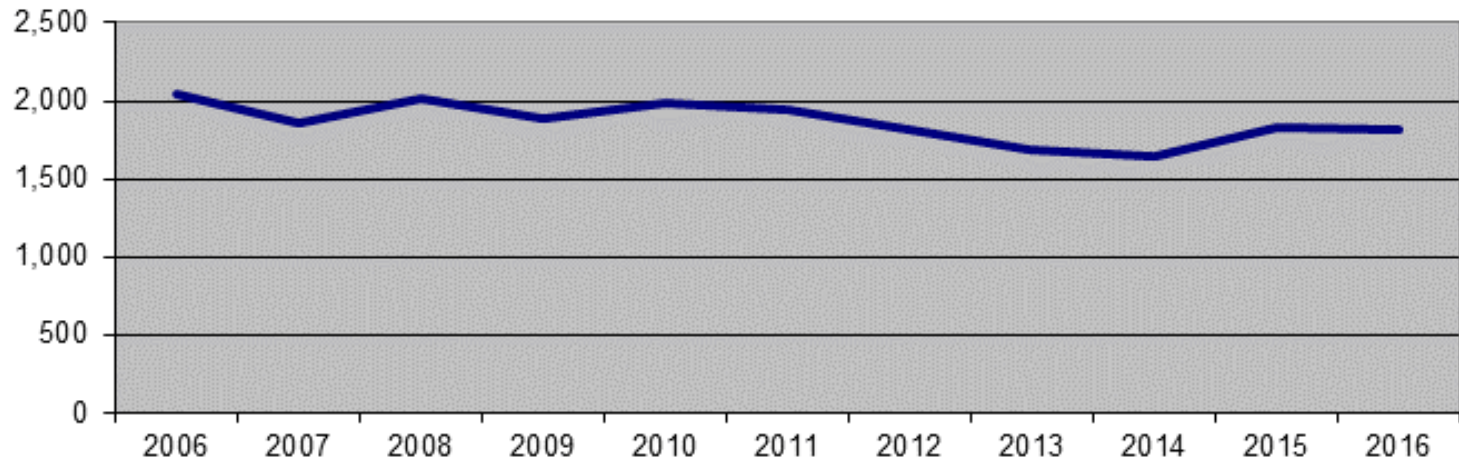


# Civil Rights Division Inquiries

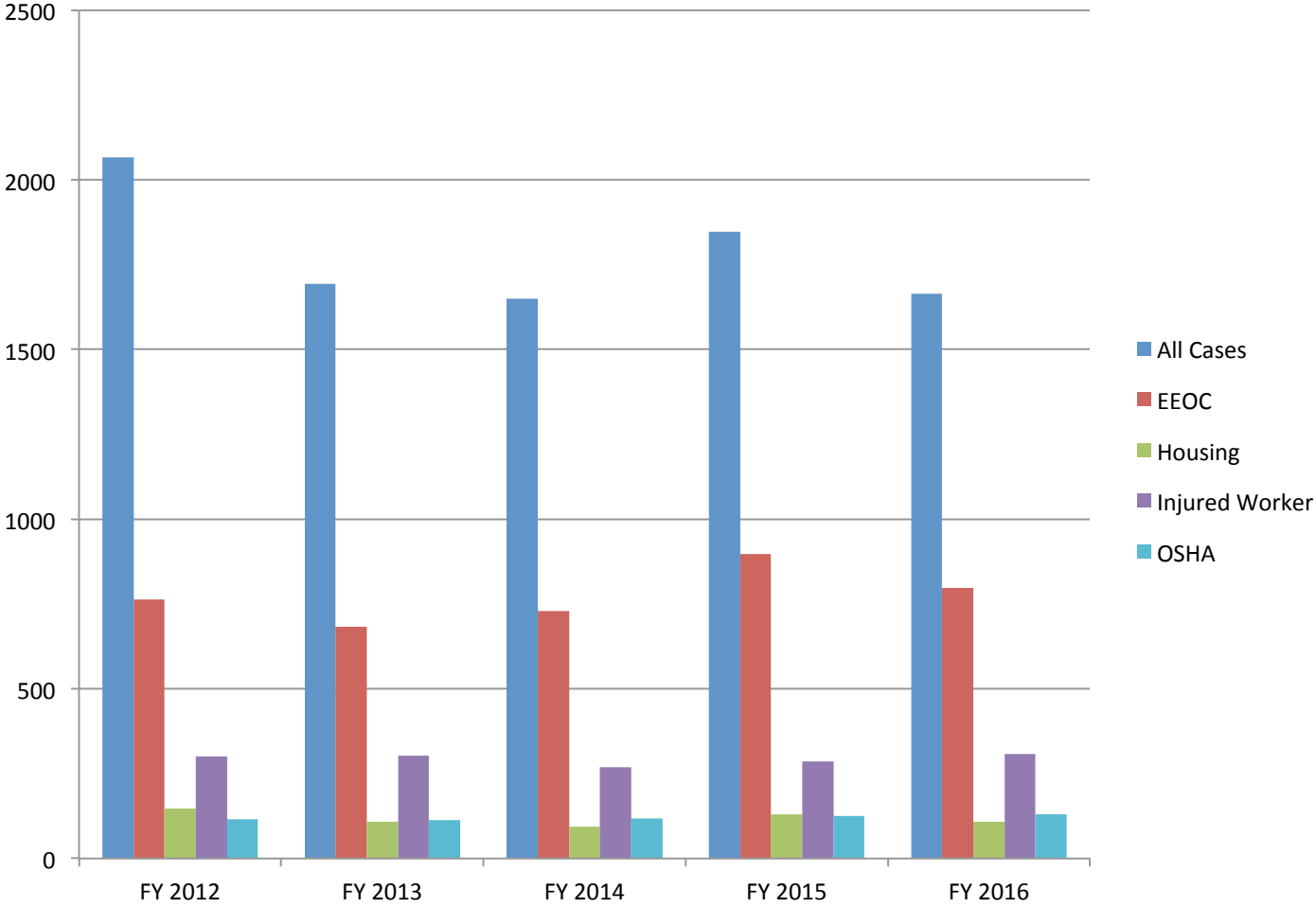


# Civil Rights Division Complaints

Civil Rights Complaints Filed



# Civil Rights Division Case Filings by Type



# Civil Rights Division

## Investigation Costs and Reimbursements

Average cost of civil rights case investigation: \$2,700

### Other Fund/Federal Fund Reimbursement Rates:

EEOC	\$700
Injured Worker	\$1,303*
OSHA	\$2,000

\*average based on biennial contract price



# Civil Rights Division

## Strong and cost-effective enforcement

The Civil Rights Division's triaging system optimizes investigative resources to focus on the most meritorious complaints by expediting the closure of cases unlikely to result in a finding of unlawful discrimination.

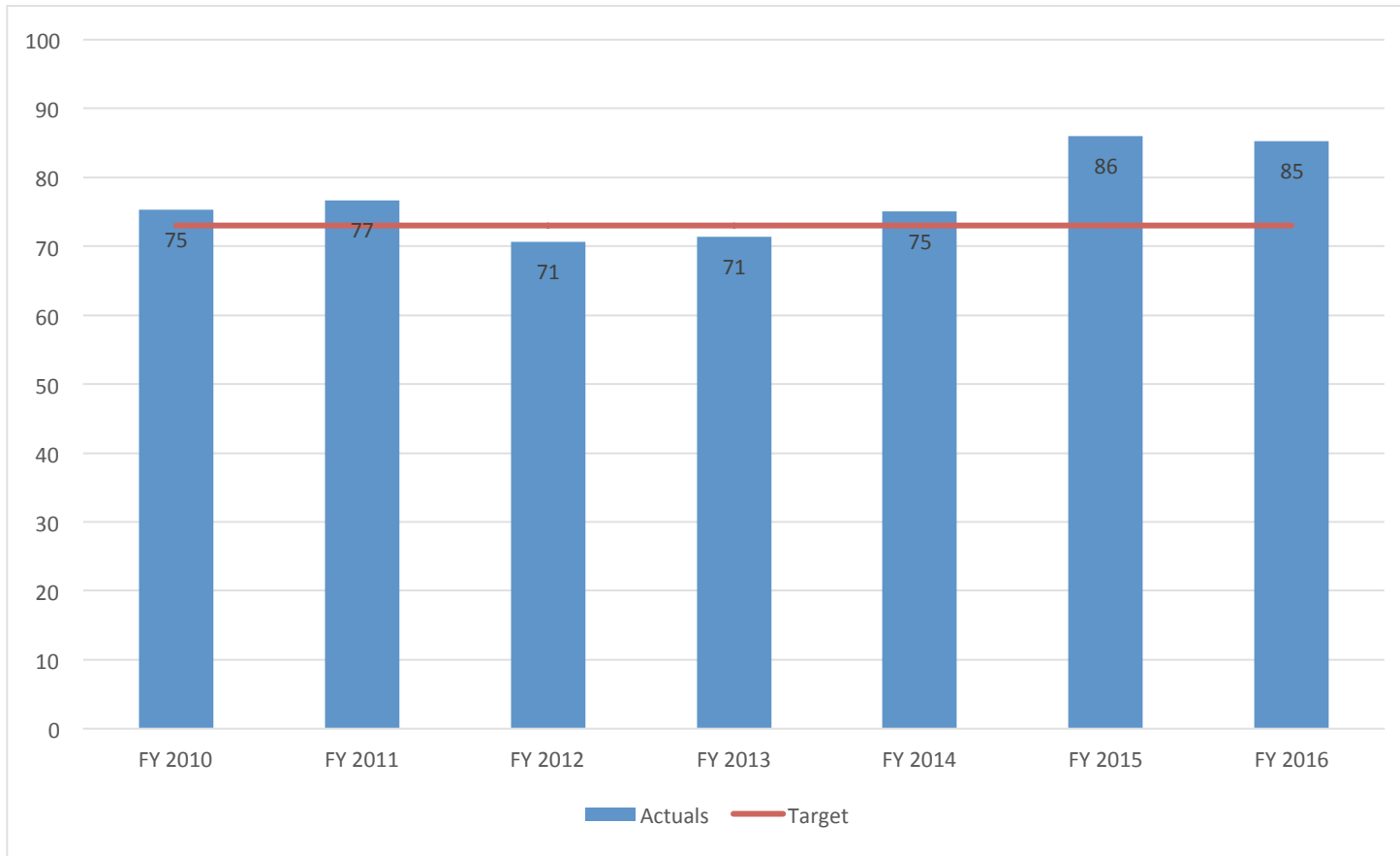
- "A" cases are those that persuasively allege an egregious violation or significant harm, with indications that substantial evidence of a violation exists; the division expedites these cases to the investigation stage with the goal towards swift resolution or adjudication.
- "B" cases need more information to determine whether substantial evidence exists. These cases make up the majority of cases filed with the division.
- "C" cases are distinguished by a low probability that the complainant can provide substantial evidence to support the allegations, this can be due to the speculative nature of a complainant's allegations or some other information undermines the complaint . These cases are expected to be dismissed quickly.



# Civil Rights Division

## Response time

Targets for intake, completion of charge, interview and investigation



# Civil Rights Division

## Staffing and Results

- The division received legislative approval and funding authority in 2013 to reclassify 2.0 FTE existing Civil Rights Intake Officer positions (range 19) to Civil Rights Field Representatives 1 (range 21).
- A third Intake Officer position was established during the 2013-2015 biennium, which has enabled the division to more efficiently and quickly process complaints received.
- **Results:** The division's intake unit has been historically vulnerable to staffing shortages, resulting in backlogs for the past several biennia. With this added staff the intake backlog has been eliminated.







# Technical Assistance for Employers

# Technical Assistance Program Services for Oregon Employers

- Employer hotline and email service to provide guidance and answers on employment law questions
- Conducts statewide public seminars and onsite customized training
- Publishes 8 employer handbooks
- Updates composite employment law posters each year
- Maintains website with fact sheets and FAQs
- Hosts an employment law conference each year



# Technical Assistance Program

## Staffing and Funding

### Current Staffing

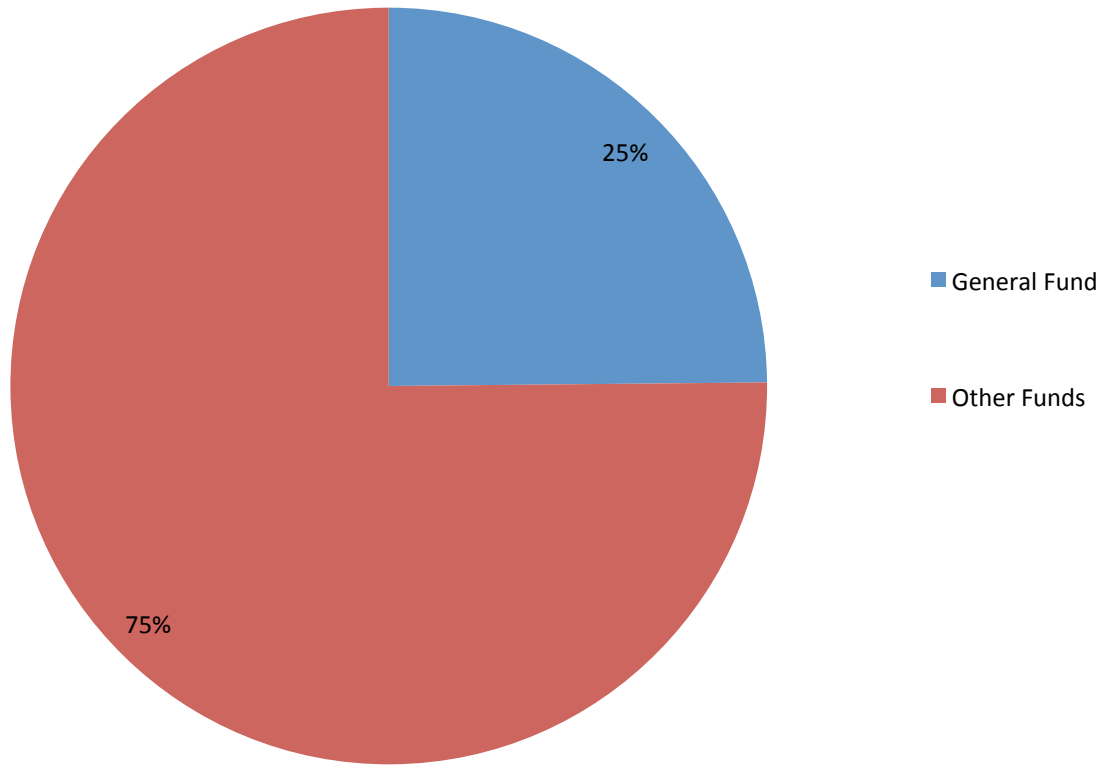
- 7 FTE

### Funding

- 3 positions receive General Funds, one of which is limited duration through June 2017
- 4 positions are Other Funds and are paid with fees for seminars and handbook/poster sales



# Technical Assistance for Employers Funding Sources



# Technical Assistance for Employers

## Fast Facts

**7,453**

Employers trained

**25,097**

Responses to business inquiries

**131**

Public seminars

**98%**

Average seminar evaluation score

**98.6%**

Number of calls from business returned within 24 hrs.

**425**

Attendance at annual conference

**13,210**

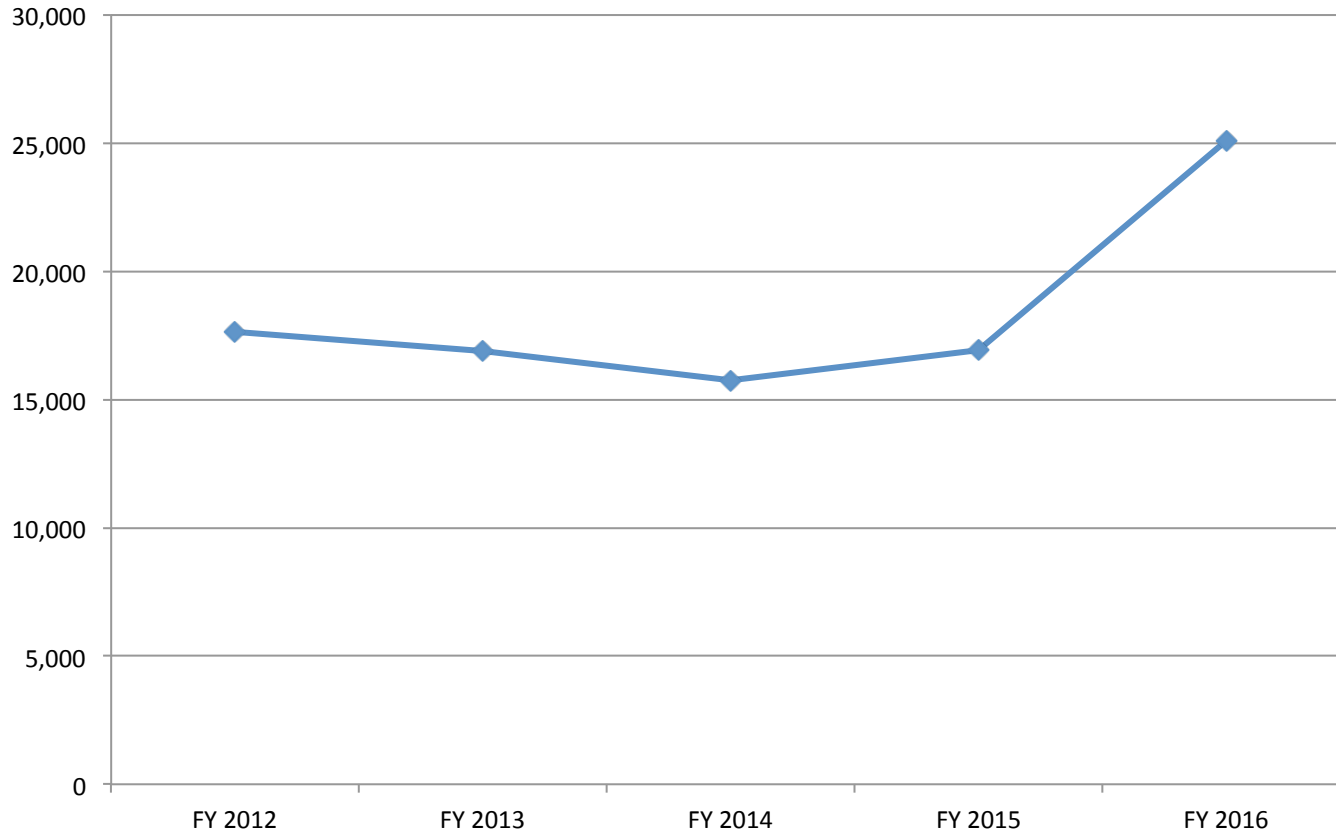
Posters and handbooks sold

**118**

Customized, on-site seminars



# Technical Assistance for Employers Telephone and Email Inquiries



# Technical Assistance for Employers Seminars

- Dealing with Difficult Employees
- Developing an Employment Handbook
- Disability Laws and Accommodation
- Documentation, Discipline and Discharge
- Effective Supervisory Practices
- Employee Supervision: 2-Day Training
- Employment Law Update
- Fair Housing
- Leave Laws: Basics of OFLA/FMLA , Advanced, 2-Day Training
- Legal Hiring Practices
- Life of a Workers' Comp Claim
- New Supervisor Training Series (6 classes)
- Oregon Sick Time Law (New in 2015)
- Payroll Issues
- Portland Sick Time (2014)
- Recordkeeping Requirements
- Wage and Hour Laws
- Workplace Accommodations
- Workplace Drug and Alcohol Issues
- Workplace Harassment and Discrimination
- Workplace Privacy and Confidentiality



# Technical Assistance for Employers

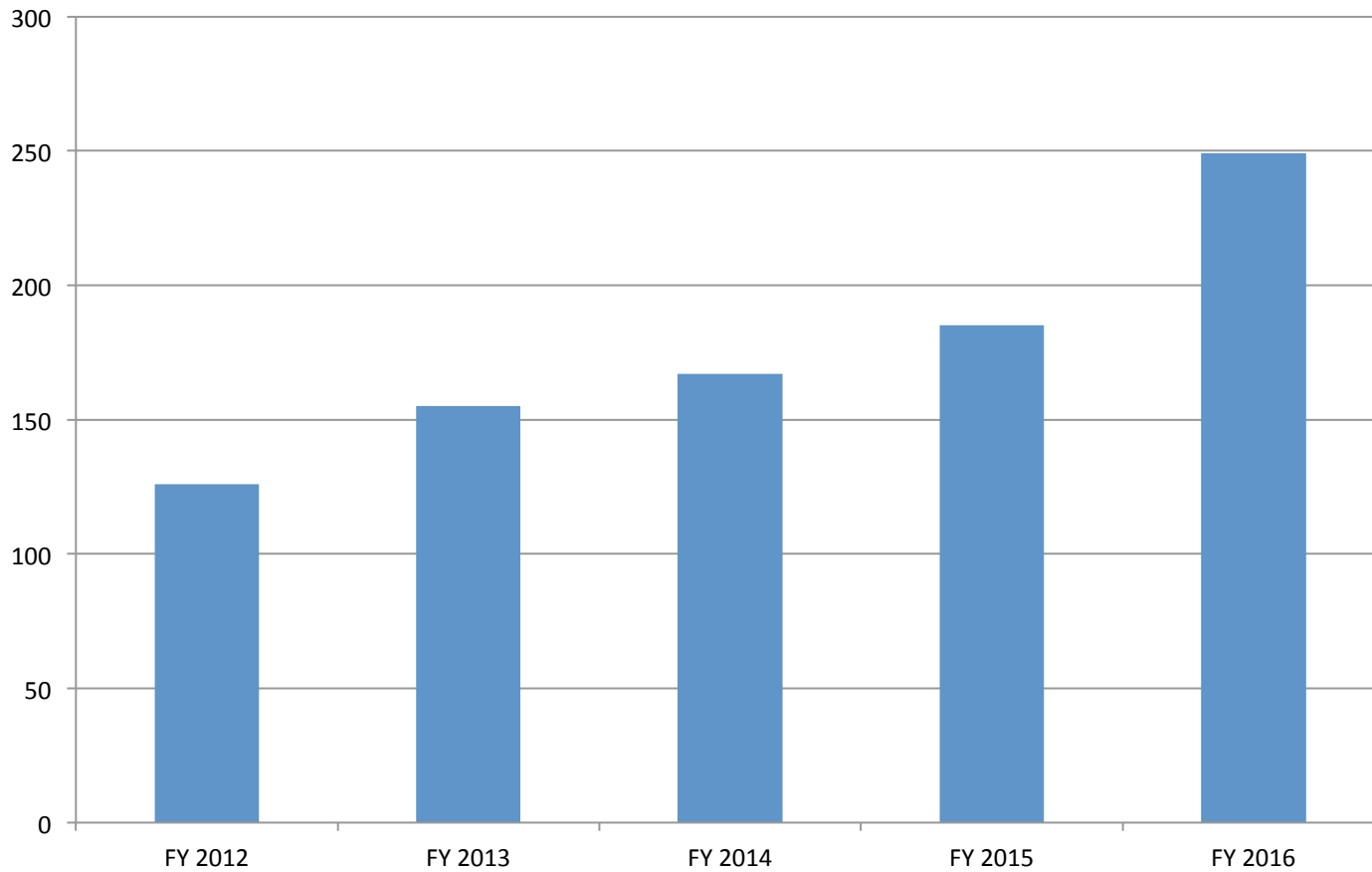
## Onsite Trainings

- BOLI Claims Process
- Child Labor Laws
- Companionship Rules under the FLSA
- Conducting Workplace Investigations
- Exempt vs. Non-Exempt Employee Classification
- Injured Worker Leave
- Internships and Student Worker Rules
- Marijuana Issues in the Workplace
- Oregon Minimum Wage Updates
- Performance Evaluations
- Proposed Overtime Changes Under the FLSA
- Service Animals
- Rest and Meal Periods
- Sexual Orientation
- Transgender Employees
- Veterans' Preference Law





# Technical Assistance for Employers Seminars Conducted 2012-2016



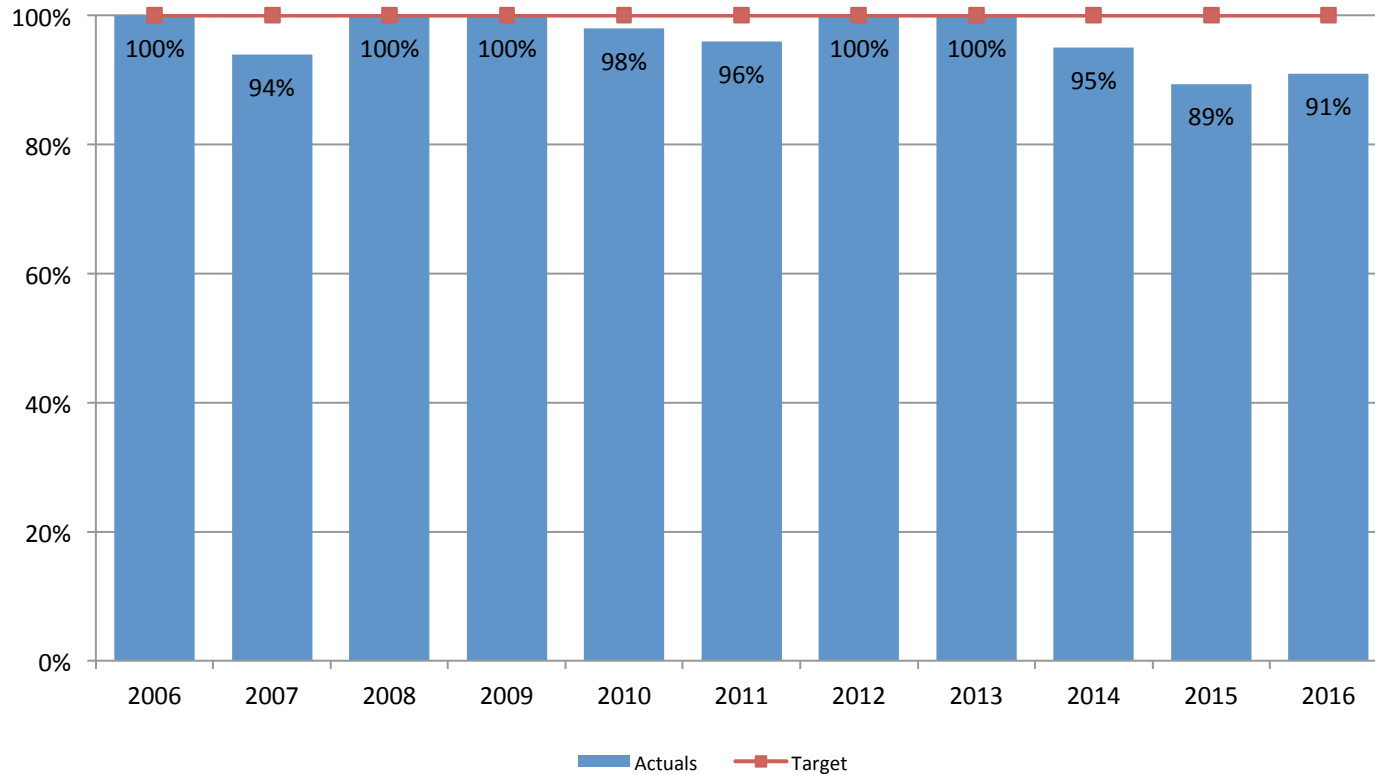
# Technical Assistance for Employers Seminars Conducted in 2016



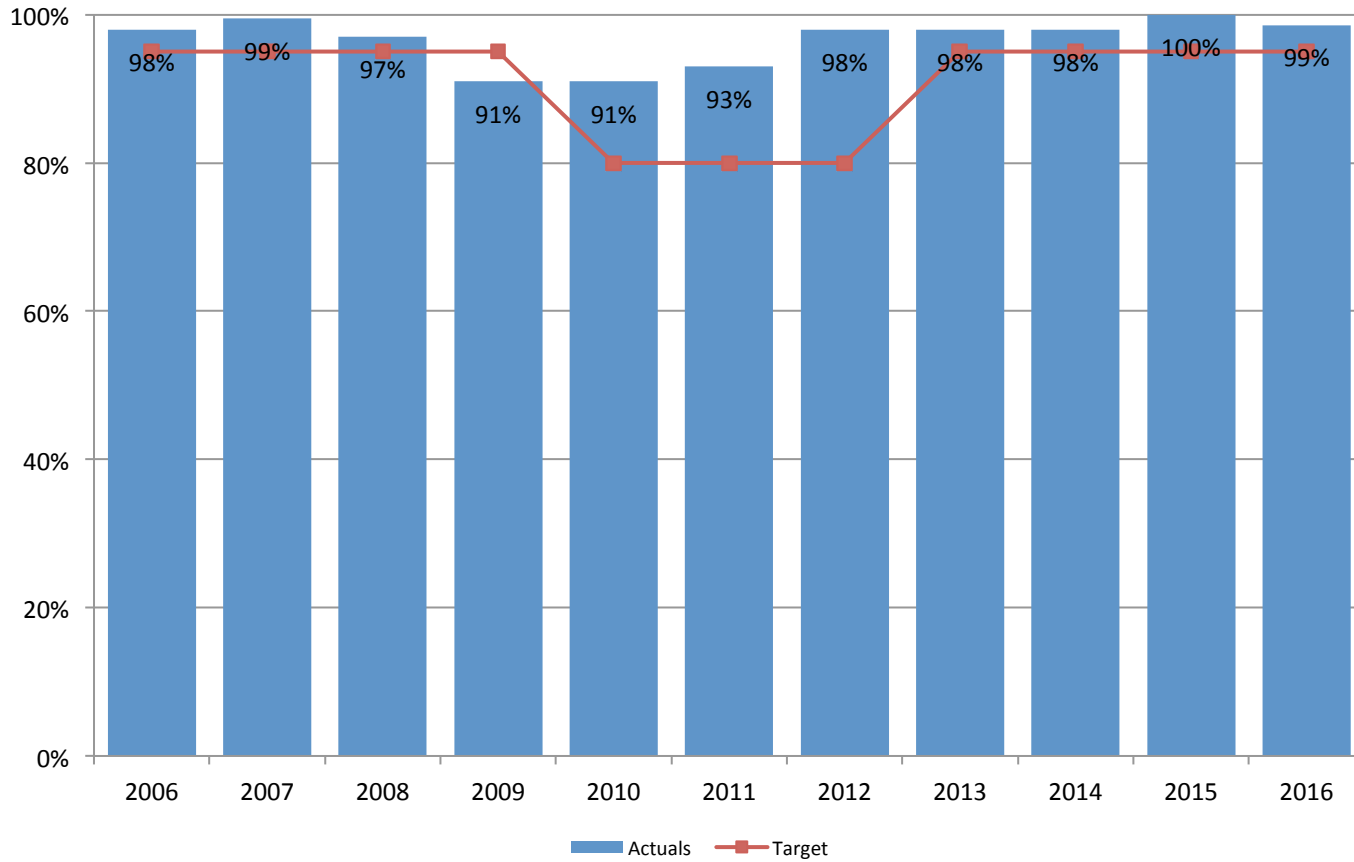
- 249 Seminars conducted
- 25 percent outside Portland/Salem/Eugene
- 10 in the Coast Region
- 16 in Eastern/Central Oregon
- 36 in Southern Oregon



# Excellent customer rating



# Call response within two business days



# Technical Assistance for Employers

## Comments from Customer Service Satisfaction Survey

*“I rely heavily on the availability and expertise of BOLI’s TA program. I feel very fortunate to be working in this role in a state that so highly values this type of program!”*

*“(TA) is ALWAYS quick to respond to my inquiries. With the ever changing laws and regulations, I find it a challenge to make sure that we are always in compliance. With (TA) as a resource, I feel more confident in my ability to protect my employees, as well as my employer.”*

*“I use TA all of the time and really appreciate this service and how it helps us remain compliance and help our employees.”*

*“Thank you so much for coming out to Eastern Oregon to help keep us local for the training!!!”*

*“Technical Assistance is my best resource for HR information. The staff are knowledgeable, helpful, and accessible.”*



# Technical Assistance for Employers

## Comments from Customer Service Satisfaction Survey

*“As an employer, we value the knowledgeable and helpful people at Technical Assistance for Employers.”*

*“Staff does an outstanding job to help employers interpret the laws. Great service.”*

*“Each contact with TA has been extremely quick and information provided is very helpful. Very great resource. Thank you so much.”*

*“I was shocked with how soon I received a response that answered all of my questions and provided all of the links I needed. Thank you so much for your help. The Technical Assistance program is a wonderful asset for employers!”*

*“The BOLI answer department appears to be the best run government department in the state. Thank you.”*

*“I love being able to get an answer to my question right away. Your phone service is a huge benefit to small employers who don’t have an HR person.”*



# Technical Assistance for Employers Challenges

- Primarily self-supporting
- Must balance resources between responding to employer inquiries immediately vs. revenue generating activities to support program.
- New laws at both state and federal level increase employer inquiries
- Need to maintain and increase training presence in rural Oregon
- Difficult to generate sufficient revenue to conduct training for smaller audiences



# Technical Assistance for Employers Improvements

- Configuration of phone system has increased responsiveness and efficiency when responding to employer inquiries
- Researching remote training options
- Partnering with organizations and chambers to bring low-cost training to rural areas
- Providing half-day vs full-day training sessions to accommodate smaller employers
- Completed e-commerce project for online registration and in the process of finalizing an online publication store to increase customer service, reduce delays and free up staff time
- Adding resources available on website





## 15% Reduction Options

Elimination of Live Entertainment Toll-Free Hotline and Staffing

Reduction in Clerical Support

Reduction in Civil Rights Intake Services

Elimination of Wage and Hour Division Operations Manager

Reduction in Wage and Hour Division Enforcement Program Services

Reduction in Agency Fiscal Services

Reduction in Apprenticeship and Training Division Services

Reduction in Civil Rights Division Enforcement Program Services

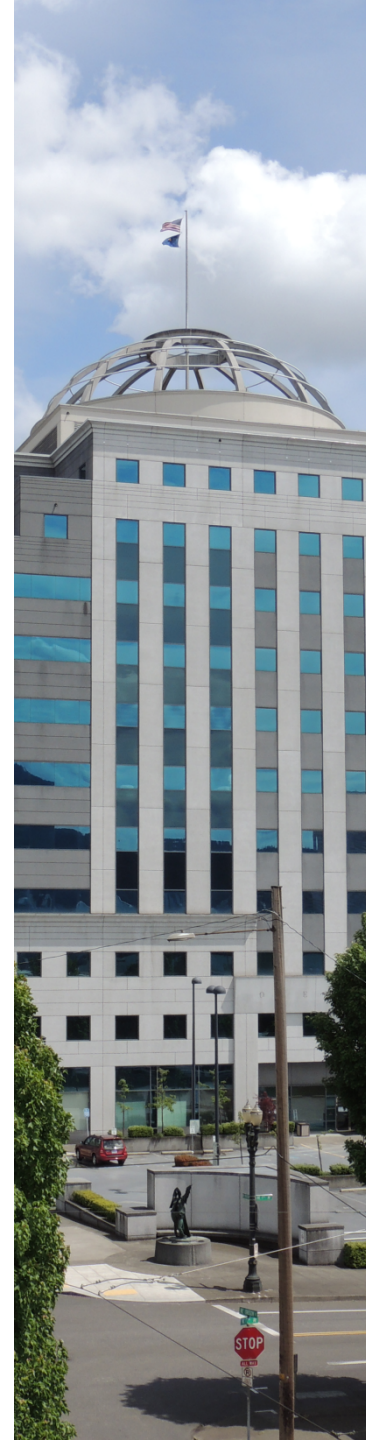
Reduction in Commissioner's Office Support

Reduction in Eugene Field Office Services

Reduction in Technical Assistance for Employer Program Services

Reduction in and Elimination of Wage and Hour Division Enforcement Program Services

Closure of Salem Field Office





## Bureau of Labor and Industries

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