

## HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 41

By COMMITTEE ON BUSINESS AND LABOR

May 22

1 On page 9 of the printed A-engrossed bill, after line 11, insert:

2 “**SECTION 3a. If House Bill 2312 becomes law, section 3 of this 2017 Act (amending ORS**  
3 **657.730) is repealed and ORS 657.730, as amended by section 20, chapter \_\_\_, Oregon Laws 2017**  
4 **(Enrolled House Bill 2312), is amended to read:**

5 “657.730. (1) As used in this section, unless the context requires otherwise:

6 “[*(a) ‘Labor market analysis’ means the measurement and evaluation of economic forces as they*  
7 *relate to the employment process in the local labor market area. Variables affecting labor market re-*  
8 *lationships include, but are not limited to, such factors as labor force changes and characteristics,*  
9 *population changes and characteristics, occupational and industrial structure and development, tech-*  
10 *nological developments, shifts in consumer demand, volume and extent of unionization and trade dis-*  
11 *putes, recruitment practices, wage levels, conditions of employment and training opportunities.]*

12 “[*(b) (a) ‘Labor market area’ means an economically integrated geographic area within which*  
13 *individuals can reside and find employment within a reasonable distance or can readily change em-*  
14 *ployment without changing their place of residence. Such areas shall be identified in accordance*  
15 *with criteria used by the Bureau of Labor Statistics of the United States Department of Labor in*  
16 *defining such areas or similar criteria established by the Director of the Employment Department.*  
17 *[The area generally takes the name of its community.] The boundaries depend primarily on economic*  
18 *and geographic factors. The State of Oregon is divided into labor market areas, **including local***  
19 ***workforce areas**, which usually include a county or group of contiguous counties.*

20 “[*(c) (b) ‘Workforce and labor market information’ means the body of information generated*  
21 *from measurement and evaluation of the socioeconomic factors and variables influencing the em-*  
22 *ployment process in the state and specific labor market areas. These socioeconomic factors and*  
23 *variables [affect labor demand and supply relationships and] include:*

24 “(A) Labor force information, which includes but is not limited to employment, unemployment,  
25 labor force participation[, *labor turnover and mobility, average hours and earnings and changes*] and  
26 characteristics of the population and labor force [*within specific labor market areas and the state*];

27 “(B) Occupational information, which includes but is not limited to occupational supply and de-  
28 mand estimates and projections, characteristics of occupations, **skill requirements**, wage levels, job  
29 duties, training and education requirements, conditions of employment, unionization, retirement  
30 practices and training opportunities;

31 “(C) Economic information, which includes but is not limited to number of business starts and  
32 stops by industry and labor market area, information on employment growth and decline by industry  
33 and labor market area, **employment projections by industry**, employer establishment data and  
34 number of union disputes and strikes by industry and labor market area; and

35 “(D) Program information, which includes but is not limited to program participant or student

1 information gathered in cooperation with other state and local agencies along with related labor  
2 market information to evaluate the effectiveness, efficiency and impact of state and local employ-  
3 ment, training, education and job creation efforts in support of planning, management, implementa-  
4 tion and evaluation.

5 “(2) The Director of the Employment Department shall have the following duties:

6 “(a) [*Oversight, operation and management of*] **Overseeing, operating and managing** a state-  
7 wide comprehensive [*labor market and occupational supply and demand information system, including*  
8 *development of a five-year employment forecast for state and labor market areas*] **workforce and labor**  
9 **market information system.**

10 “(b) [*Preparation of local labor market information packages for the state’s workforce system, in-*  
11 *cluding special studies and job impact analyses*] **Supporting Oregon’s state and local workforce**  
12 **boards by providing foundational workforce data and special studies** in support of state and  
13 local employment, training, education and job creation programs, especially activities that prevent  
14 job loss, reduce unemployment and create jobs.

15 “[*c*] *Coordination with other appropriate public agencies to improve employment estimates by en-*  
16 *hancing data on corporate officers, improving business establishment listings, expanding samples for*  
17 *employment estimates and developing business entry or exit analysis relevant to the generation of oc-*  
18 *cupational and economic forecasts.*]

19 “(c) **Supporting other Oregon customers of workforce and labor market information, in-**  
20 **cluding, but not limited to, businesses, job seekers, policy makers, educational agencies and**  
21 **students, and providing foundational workforce data and analysis of trends at the state and**  
22 **local levels.**

23 “[*d*] *Production of long-term and occupational employment forecasts in cooperation with other ap-*  
24 *propriate agencies.*]

25 “[*e*] (d) [*Coordination with state workforce agencies as defined in ORS 660.300 to study ways to*  
26 *standardize federal and state multiagency administrative records, such as unemployment insurance in-*  
27 *formation and other information to produce employment, training, education and economic analysis*  
28 *needed to improve*] **Coordinating with state workforce agencies and other federal, state and**  
29 **local government partners to improve workforce and labor market information products and**  
30 **services.**

31 “[*f*] (e) [*Production of*] **Producing workforce and labor market information and economic**  
32 **analysis needed to facilitate the efficient and effective matching of the supply and demand of labor**  
33 **critical to an effective labor exchange in Oregon.** [*Information collected will be coordinated with other*  
34 *public agencies through cooperative data collection efforts for statistical analysis, research or studies*  
35 *including, but not limited to, agricultural labor supply and demand, high performance organizations,*  
36 *targeted industries programs, and industrial improvement and expansion.*]

37 “[*g*] (f) [*Administration of*] **Administering** other appropriate **workforce and labor market in-**  
38 **formation activities including support of efforts by local workforce development boards, as defined**  
39 **in ORS 660.300, to align economic development, education and training with workforce development**  
40 **investments and services for job seekers and businesses to efficiently address local labor market**  
41 **needs and statewide workforce development priorities.**

42 “(3) To implement this section, the director shall have authority to:

43 “(a) Establish rules and procedures to recover reasonable costs incurred in producing and pro-  
44 viding:

45 “(A) **Workforce and labor market information products developed by the Employment Depart-**

1 ment in the ordinary course of business when the request results in costs over and above the ordi-  
2 nary costs of production including, but not limited to, special publication runs, photocopying or  
3 supplying the copy in some other medium; and

4 “(B) Special **workforce and** labor market information products in response to individual re-  
5 quests that incur costs beyond the ordinary costs of doing business including, but not limited to,  
6 computer time, staff costs, preparation and distribution of surveys, electronic scanning, and special  
7 data collection, formatting and analysis. The director may enter into agreements with other public  
8 agencies to provide special **workforce and** labor market information products in a quid pro quo  
9 arrangement.

10 “(b) Receive federal set aside funds from federal programs that are authorized to fund state and  
11 local **workforce and** labor market information and are required to use such information in support  
12 of their programs.

13 “(c) Enter into agreements for statistical analysis, research or evaluation studies of privately  
14 and publicly funded employment, training, education and economic development programs.

15 “(4) **Home care workers described in ORS 410.619 (1) are not employees of state govern-**  
16 **ment for the purposes of workforce and labor market information.”.**

17 On page 10, after line 40, insert:

18 “**SECTION 5a. If House Bill 2312 becomes law, section 5 of this 2017 Act (amending ORS**  
19 **657.734) is repealed and ORS 657.734, as amended by section 21, chapter \_\_, Oregon Laws 2017**  
20 **(Enrolled House Bill 2312), is amended to read:**

21 “657.734. (1) As used in this section:

22 “(a) ‘Public body’ has the meaning given that term in ORS 192.410.

23 “(b) ‘System participant’ means:

24 “(A) Mandatory partners under the federal Workforce Innovation and Opportunity Act and other  
25 one-stop system partners, which may include public bodies and private organizations; and

26 “(B) Public bodies and private organizations that have been approved by the Director of the  
27 Employment Department, in consultation with the Education and Workforce Policy Advisor, to par-  
28 ticipate in the Performance Reporting Information System.

29 “(2) There is established the Performance Reporting Information System for the purpose of col-  
30 lecting, analyzing and sharing statistical and demographic data for the development and reporting  
31 of workforce system performance measures.

32 “(3) The Performance Reporting Information System is intended to share the data described in  
33 subsection (2) of this section, by agreement, with all system participants.

34 “(4) The Director of the Employment Department shall administer and, in consultation with the  
35 Education and Workforce Policy Advisor, oversee the development of the Performance Reporting  
36 Information System. System participants shall be designated as participants in the system by rule  
37 of the Employment Department, in consultation with the Education and Workforce Policy Advisor.  
38 A system participant shall enter into an interagency or other applicable agreement with the director  
39 that:

40 “(a) Establishes protocols for the collection and sharing of data in the system;

41 “(b) Establishes safeguards for protecting the confidentiality of data in the system;

42 “(c) Includes provisions regarding informed consent for sharing information obtained from indi-  
43 viduals; and

44 “(d) Provides for the sharing of costs for developing and maintaining the system.

45 “(5)(a) All individual record information in the Performance Reporting Information System is

1 confidential and may not be disclosed as a public record under the provisions of ORS 192.410 to  
2 192.505. As administrator of the system, the director may view all data or individual record infor-  
3 mation in the system. System participants may not allow public access to information received from  
4 the system that identifies a particular individual unless required by law. System participants shall  
5 limit the disclosure of, or refuse to disclose, aggregate or summary level information when a small  
6 number of aggregated records or some other factor creates a reasonable risk that the identity of  
7 individuals may be discovered or disclosed.

8 “(b) System participants shall provide information in a format that encodes identifying data, in-  
9 cluding the client’s Social Security number, using a formula unique to the system participant. In  
10 disclosing Social Security numbers to the system, system participants shall comply with any state  
11 and federal laws that govern the collection and use of Social Security numbers by the system par-  
12 ticipant and any additional requirements specified by the director, in consultation with the Educa-  
13 tion and Workforce Policy Advisor, that are included in the agreement entered into under subsection  
14 (4) of this section.

15 “(6) The information in the Performance Reporting Information System is not a public record for  
16 purposes of ORS 192.410 to 192.505. For purposes of ORS 192.410 to 192.505, the information sub-  
17 mitted to the system and the information received from the system is a public record, and the  
18 custodian of such information is the system participant that submits or receives the information. If  
19 the system participant receiving the information is not a public body, the department shall keep a  
20 copy of the system information sent to that system participant and shall be the custodian of that  
21 copy for purposes of ORS 192.410 to 192.505. As custodian, the department shall limit the disclosure  
22 of, or refuse to disclose, aggregate or summary level information when a small number of aggregated  
23 records or some other factor creates a reasonable risk that the identity of individuals may be dis-  
24 covered or disclosed. The department shall refer all other requests for disclosure of system infor-  
25 mation to the public body that is the custodian of the information.

26 “(7) The department may charge a reasonable fee under ORS 192.440 for the disclosure of re-  
27 ports containing only aggregate data to individuals, public bodies or private organizations.

28 “(8) If a system participant prepares or acquires a record that is confidential under federal or  
29 state law, including ORS 192.502 (2), the system participant does not violate state confidentiality  
30 laws by providing the information described in this section to the Performance Reporting Informa-  
31 tion System. *[Notwithstanding the provisions of ORS 279C.815 (4), 279C.850 (3), 657.665 and 660.339,*  
32 *the Bureau of Labor and Industries, the Higher Education Coordinating Commission and the Employ-*  
33 *ment Department are authorized to provide information to the system.]*

34 “(9) Any individual who, without proper authority, discloses confidential information under this  
35 section may be disqualified from holding any appointment or employment with the State of Oregon.  
36 The department shall adopt by rule procedures to prevent disclosure of confidential information  
37 submitted to the Performance Reporting Information System.”.

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