

SB 41-A2  
(LC 482)  
5/16/17 (ASD/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO  
A-ENGROSSED SENATE BILL 41**

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**  
3 **Act (amending ORS 657.730) is repealed and ORS 657.730, as amended**  
4 **by section 20, chapter \_\_, Oregon Laws 2017 (Enrolled House Bill 2312),**  
5 **is amended to read:**

6 “657.730. (1) As used in this section, unless the context requires otherwise:

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

15 “[*(b)*] (a) ‘Labor market area’ means an economically integrated ge-  
16 ographic area within which individuals can reside and find employment  
17 within a reasonable distance or can readily change employment without  
18 changing their place of residence. Such areas shall be identified in accord-  
19 ance with criteria used by the Bureau of Labor Statistics of the United  
20 States Department of Labor in defining such areas or similar criteria estab-  
21 lished by the Director of the Employment Department. [*The area generally*

1 *takes the name of its community.*] The boundaries depend primarily on eco-  
2 nomic and geographic factors. The State of Oregon is divided into labor  
3 market areas, **including local workforce areas**, which usually include a  
4 county or group of contiguous counties.

5 “[*(c)*] **(b) ‘Workforce and** labor market information’ means the body of  
6 information generated from measurement and evaluation of the  
7 socioeconomic factors and variables influencing the employment process in  
8 the state and specific labor market areas. These socioeconomic factors and  
9 variables [*affect labor demand and supply relationships and*] include:

10 “(A) Labor force information, which includes but is not limited to em-  
11 ployment, unemployment, labor force participation[, *labor turnover and mo-*  
12 *bility, average hours and earnings and changes*] and characteristics of the  
13 population and labor force [*within specific labor market areas and the state*];

14 “(B) Occupational information, which includes but is not limited to oc-  
15 cupational supply and demand estimates and projections, characteristics of  
16 occupations, **skill requirements**, wage levels, job duties, training and edu-  
17 cation requirements, conditions of employment, unionization, retirement  
18 practices and training opportunities;

19 “(C) Economic information, which includes but is not limited to number  
20 of business starts and stops by industry and labor market area, information  
21 on employment growth and decline by industry and labor market area, **em-**  
22 **ployment projections by industry**, employer establishment data and num-  
23 ber of union disputes and strikes by industry and labor market area; and

24 “(D) Program information, which includes but is not limited to program  
25 participant or student information gathered in cooperation with other state  
26 and local agencies along with related labor market information to evaluate  
27 the effectiveness, efficiency and impact of state and local employment,  
28 training, education and job creation efforts in support of planning, manage-  
29 ment, implementation and evaluation.

30 “(2) The Director of the Employment Department shall have the following

1 duties:

2 “(a) [*Oversight, operation and management of*] **Overseeing, operating and**  
3 **managing** a statewide comprehensive [*labor market and occupational supply*  
4 *and demand information system, including development of a five-year employ-*  
5 *ment forecast for state and labor market areas*] **workforce and labor market**  
6 **information system.**

7 “(b) [*Preparation of local labor market information packages for the state’s*  
8 *workforce system, including special studies and job impact analyses*] **Sup-**  
9 **porting Oregon’s state and local workforce boards by providing foun-**  
10 **dational workforce data and special studies** in support of state and local  
11 employment, training, education and job creation programs, especially ac-  
12 tivities that prevent job loss, reduce unemployment and create jobs.

13 “[*(c) Coordination with other appropriate public agencies to improve em-*  
14 *ployment estimates by enhancing data on corporate officers, improving business*  
15 *establishment listings, expanding samples for employment estimates and de-*  
16 *veloping business entry or exit analysis relevant to the generation of occupa-*  
17 *tional and economic forecasts.*]

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

23 “[*(d) Production of long-term and occupational employment forecasts in co-*  
24 *operation with other appropriate agencies.*]

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

1 labor market information products and services.

2 “[(f)] (e) [*Production of*] **Producing workforce and** labor market infor-  
3 mation and economic analysis needed to facilitate the efficient and effective  
4 matching of the supply and demand of labor critical to an effective labor  
5 exchange in Oregon. [*Information collected will be coordinated with other*  
6 *public agencies through cooperative data collection efforts for statistical anal-*  
7 *ysis, research or studies including, but not limited to, agricultural labor supply*  
8 *and demand, high performance organizations, targeted industries programs,*  
9 *and industrial improvement and expansion.*]

10 “[g)] (f) [*Administration of*] **Administering** other appropriate **workforce**  
11 **and** labor market information activities including support of efforts by local  
12 workforce development boards, as defined in ORS 660.300, to align economic  
13 development, education and training with workforce development invest-  
14 ments and services for job seekers and businesses to efficiently address local  
15 labor market needs and statewide workforce development priorities.

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

17 “(a) Establish rules and procedures to recover reasonable costs incurred  
18 in producing and providing:

19 “(A) **Workforce and** labor market information products developed by the  
20 Employment Department in the ordinary course of business when the request  
21 results in costs over and above the ordinary costs of production including,  
22 but not limited to, special publication runs, photocopying or supplying the  
23 copy in some other medium; and

24 “(B) Special **workforce and** labor market information products in re-  
25 sponse to individual requests that incur costs beyond the ordinary costs of  
26 doing business including, but not limited to, computer time, staff costs,  
27 preparation and distribution of surveys, electronic scanning, and special data  
28 collection, formatting and analysis. The director may enter into agreements  
29 with other public agencies to provide special **workforce and** labor market  
30 information products in a quid pro quo arrangement.

1 “(b) Receive federal set aside funds from federal programs that are au-  
2 thorized to fund state and local **workforce and** labor market information  
3 and are required to use such information in support of their programs.

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

7 “(4) **Home care workers described in ORS 410.619 (1) are not em-  
8 ployees of state government for the purposes of workforce and labor  
9 market information.”.**

10 On page 10, after line 40, insert:

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

15 “657.734. (1) As used in this section:

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

17 “(b) ‘System participant’ means:

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

21 “(B) Public bodies and private organizations that have been approved by  
22 the Director of the Employment Department, in consultation with the Edu-  
23 cation and Workforce Policy Advisor, to participate in the Performance Re-  
24 porting Information System.

25 “(2) There is established the Performance Reporting Information System  
26 for the purpose of collecting, analyzing and sharing statistical and demo-  
27 graphic data for the development and reporting of workforce system per-  
28 formance measures.

29 “(3) The Performance Reporting Information System is intended to share  
30 the data described in subsection (2) of this section, by agreement, with all

1 system participants.

2 “(4) The Director of the Employment Department shall administer and, in  
3 consultation with the Education and Workforce Policy Advisor, oversee the  
4 development of the Performance Reporting Information System. System par-  
5 ticipants shall be designated as participants in the system by rule of the  
6 Employment Department, in consultation with the Education and Workforce  
7 Policy Advisor. A system participant shall enter into an interagency or other  
8 applicable agreement with the director that:

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

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

13 “(c) Includes provisions regarding informed consent for sharing informa-  
14 tion obtained from individuals; and

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

17 “(5)(a) All individual record information in the Performance Reporting  
18 Information System is confidential and may not be disclosed as a public re-  
19 cord under the provisions of ORS 192.410 to 192.505. As administrator of the  
20 system, the director may view all data or individual record information in  
21 the system. System participants may not allow public access to information  
22 received from the system that identifies a particular individual unless re-  
23 quired by law. System participants shall limit the disclosure of, or refuse to  
24 disclose, aggregate or summary level information when a small number of  
25 aggregated records or some other factor creates a reasonable risk that the  
26 identity of individuals may be discovered or disclosed.

27 “(b) System participants shall provide information in a format that en-  
28 codes identifying data, including the client’s Social Security number, using  
29 a formula unique to the system participant. In disclosing Social Security  
30 numbers to the system, system participants shall comply with any state and

1 federal laws that govern the collection and use of Social Security numbers  
2 by the system participant and any additional requirements specified by the  
3 director, in consultation with the Education and Workforce Policy Advisor,  
4 that are included in the agreement entered into under subsection (4) of this  
5 section.

6 “(6) The information in the Performance Reporting Information System  
7 is not a public record for purposes of ORS 192.410 to 192.505. For purposes  
8 of ORS 192.410 to 192.505, the information submitted to the system and the  
9 information received from the system is a public record, and the custodian  
10 of such information is the system participant that submits or receives the  
11 information. If the system participant receiving the information is not a  
12 public body, the department shall keep a copy of the system information sent  
13 to that system participant and shall be the custodian of that copy for pur-  
14 poses of ORS 192.410 to 192.505. As custodian, the department shall limit the  
15 disclosure of, or refuse to disclose, aggregate or summary level information  
16 when a small number of aggregated records or some other factor creates a  
17 reasonable risk that the identity of individuals may be discovered or dis-  
18 closed. The department shall refer all other requests for disclosure of system  
19 information to the public body that is the custodian of the information.

20 “(7) The department may charge a reasonable fee under ORS 192.440 for  
21 the disclosure of reports containing only aggregate data to individuals, pub-  
22 lic bodies or private organizations.

23 “(8) If a system participant prepares or acquires a record that is confi-  
24 dential under federal or state law, including ORS 192.502 (2), the system  
25 participant does not violate state confidentiality laws by providing the in-  
26 formation described in this section to the Performance Reporting Information  
27 System. *[Notwithstanding the provisions of ORS 279C.815 (4), 279C.850 (3),*  
28 *657.665 and 660.339, the Bureau of Labor and Industries, the Higher Education*  
29 *Coordinating Commission and the Employment Department are authorized to*  
30 *provide information to the system.]*

1       “(9) Any individual who, without proper authority, discloses confidential  
2 information under this section may be disqualified from holding any ap-  
3 pointment or employment with the State of Oregon. The department shall  
4 adopt by rule procedures to prevent disclosure of confidential information  
5 submitted to the Performance Reporting Information System.”.

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