

# Bureau of Labor and Industries

Labor Commissioner Val Hoyle

Budget Cycle 2021 - 2023



# Our role

- Enforce civil rights and wage & hour laws
- Support employers through Technical Assistance
- Oversee apprenticeship programs



# What's changed since 2019

- Focus on customer service for workers and employers
- Eliminating bureaucratic barriers and increasing accessibility
- Simplifying and making forms and services available online
- Increasing transparency
- Incorporating strategic enforcement principles





## OREGON MINIMUM WAGE RATES Effective July 1, 2018 to June 30, 2019



Brad Avakian, Commissioner

An employer shall pay an employee no less than the minimum wage rate for the region in which the employer is located. (See region descriptions below.)

Standard:	\$10.75 per hour
Portland Metro:	\$12.00 per hour
Nonurban Counties:	\$10.50 per hour

All employers must comply with state laws regulating payment of minimum wage, overtime and general working conditions.

### Regions

The "Standard" rate applies to the following counties, with the exception of those areas located within the urban growth boundary of a metropolitan service district: Benton, Clackamas, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.

The rate for "Portland Metro" includes areas located within the urban growth boundary of a metropolitan service district.

The rate for "Nonurban Counties" applies to the following counties: Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

### Employer Location

Employers are required to pay their employees at least the minimum wage rate in effect for the region where the employer is located. Employees who perform more than 50% of their work in a pay period at the employer's permanent fixed business location in Oregon must be paid at least the minimum wage rate for the region in which the employer's business is located. Employees who make deliveries as a part of their job and who start and end their workday at the employer's permanent fixed business location must be paid at least the minimum wage rate for the region in which the employer's business is located. Employees who do not perform more than 50% of their work in a pay period at the employer's permanent fixed business location in Oregon must

be paid at least the minimum wage rate for the region in which the employee performs work.

### General Working Conditions

**Overtime:** Unless exempt, employees must be paid time and one-half the regular rate of pay for any time worked over 40 hours a week or, for domestic workers residing in the home of the employer, over 44 hours a week.

**Tips:** Employers may not use tips as credit toward minimum wages owed to an employee.

**Deductions:** Employers may make deductions from wages that are required by law, authorized by a collective bargaining agreement, are for the fair market value of meals and lodging provided for the private benefit of the employee; are for the employee's benefit and are authorized in writing; or for an item in which the employer is not the ultimate recipient and the employee has voluntarily signed an authorization. An itemized statement of deductions made from wages must be provided with each paycheck.

**Time records** must be kept by employers for at least two years. Payroll records must be kept by employers for at least three years.

**Regular paydays** must be established and maintained. A pay period may not exceed 35 days.

**Meal periods** of not less than 30 minutes must be provided to non-exempt employees who work six or more hours in one work period. Ordinarily, employees are required to be relieved of all duties during the meal period. Under exceptional circumstances, however, the law allows an

employee to perform duties during a meal period so long as they are paid. When that happens, the employer must pay the employee for the entire meal period.

**Paid rest periods** of at least 10 minutes for adults (15 minutes for minors) must be provided during each four-hour work period or major part of four hours worked. (There are narrow exceptions for adult employees working alone in retail/service establishments.) Certain employers are required to provide additional rest periods to employees to express milk for a child. With the exception of certain tipped food and beverage service workers, meal and rest periods may not be waived or used to adjust working hours; however, meal and rest period provisions may be modified by the terms of a collective bargaining agreement.

**Final paychecks:** When an employee is discharged by an employer and the employee and employer mutually agree to the termination, the final paycheck is due no later than the end of the first business day after the discharge. If an employee quits with 48 hours or more notice, wages are due on the last working day (excluding Saturdays, Sundays and holidays). If an employee quits without at least 48 hours notice, wages are due in five days (excluding Saturdays, Sundays and holidays) or on the next payday, whichever occurs first. (There are some exceptions. Contact the nearest Bureau of Labor and Industries office for information.)

**Domestic Service Employment:** Special rules apply to persons employed as domestic workers. Contact the Bureau of Labor and Industries for more information.

Employees may be eligible for the Earned Income Tax Credit (EITC or EIC), a benefit for working people with low to moderate income, particularly those with children. EITC reduces the amount of tax owed and may provide a refund. Visit these websites for additional information about how to qualify:

Federal: <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit>  
Oregon: <https://www.oregon.gov/DOR/programs/individuals/Pages/credits.aspx>

### For Additional Information

Contact the Bureau of Labor and Industries:

Online: [www.oregon.gov/boli](http://www.oregon.gov/boli) • Email: [whdscreener@boli.state.or.us](mailto:whdscreener@boli.state.or.us)  
Eugene 541-686-7623 Technical Assistance for Employers Program: 971-673-0824  
Portland 971-673-0761 TTY: 711  
Salem 503-378-3292

**PENALTIES:** Willful failure to pay wages due to an employee upon termination may be penalized by continuation of the employee's wages up to a maximum of 30 days.

This is a summary of Oregon's laws relating to minimum wage and working conditions. It is not a complete text of the law.

**THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION**

## MINIMUM WAGE

You must be paid at least minimum wage.  
The rate depends on where you work.

**\$12.00 per hour**

### Standard

(Benton, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, Tillamook, Wasco, Yamhill, parts of \* Clackamas, Multnomah, & Washington)

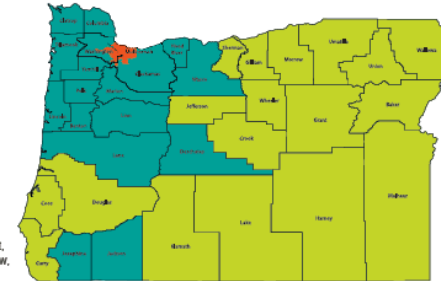


\* The minimum wage you should get depends on your employer's exact address. If you work **INSIDE** the urban growth boundary, you should make at least \$13.25. If you work **OUTSIDE** the urban growth boundary, you should make at least \$12.00. Look up your work address here: [bit.ly/metrobouandary](http://bit.ly/metrobouandary)

**\$13.25 per hour**

### Portland Metro Area

\* Clackamas, Multnomah, & Washington



**\$11.50 per hour**

### Nonurban Counties

(Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler)

- ▶ **Every worker must be paid at least minimum wage.** There are exceptions but they are uncommon.
- ▶ The minimum wage goes up every year. The next increase is on July 1, 2021. These rates are in effect from July 1, 2020 to June 30, 2021.
- ▶ **Tip credits are illegal in Oregon.**
- ▶ Deductions are allowed if legally required or if you agree in writing and the deduction is for your benefit. Your paycheck must show this information.
- ▶ If you make close to minimum wage, you may qualify for the Earned Income Tax Credit. Visit [eitcoutreach.org](http://eitcoutreach.org)

### CONTACT US

If your employer isn't following the law or something feels wrong, give us a call. The Bureau of Labor and Industries is here to enforce these laws and protect you.

Call: 971-673-0761  
Email: [help@boli.state.or.us](mailto:help@boli.state.or.us)  
Web: [oregon.gov/boli](http://oregon.gov/boli)  
Se habla español.



**20 OREGON LAWS**  
Protect You At Work

OREGON BUREAU of  
**LABOR & INDUSTRIES**

OREGON.GOV

TEXT SIZE: A+ A- A • TEXT ONLY TRANSLATE - Google Custom Search Find

Sunset on Ochoco Reservoir (Gary Halvorson, Oregon State Archives)

## Bureau of Labor and Industries

Department

About BOLI  
Contact Us

File a Civil Rights Complaint  
File a Wage Claim  
Submit a Public Record Request  
FAQs & Fact Sheets  
Prevailing Wage  
Labor Contractors  
Child Labor  
Oregon Revised Statutes  
Administrative Rules  
New/Proposed Administrative Rules  
BOLI Contested Cases  
BOLI Final Orders  
Recent Final Orders  
Digest of Final Orders  
Table of Final Orders  
Legal Research Tips  
Employment Opportunities

**Does your business need guidance?**  
Oregon Labor and Industries offers lots of trainings for Oregon employers, supervisors, managers, and human resource professionals.  
Our professional trainers provide you with educational trainings and materials to help you follow the law.  
Our 2020 [seminar schedule is available here](#). Our trainers can also give your business or association a custom, onsite program. Click [HERE](#) for more details!

**What does Oregon Labor and Industries do?**  
We protect employment rights, advance employment opportunities, and ensures access to housing and public accommodations free from discrimination.  
Our core mission:

1. Protect the rights of workers and citizens to equal, non-discriminatory treatment through the enforcement of anti-discrimination laws that apply to workplaces, housing and public accommodations
2. Encourage and enforce compliance with state wages and hour laws and terms and conditions of employment
3. Educate and train employers to understand and comply with both wage and hour and civil rights law
4. Promote the development of a highly skilled, competitive workforce in Oregon through apprenticeship programs and partnerships with business, government, labor and educational institution

Meet [Oregon Labor Commissioner Val Hoyle](#)

**Boards and Advisory Committees**  
Oregon Labor and Industries and the Commissioner

**Our Services**

**For All Oregonians**  
We protect and defend Oregonians' civil rights. We investigate civil rights violations at work, when finding a home, and in public places around the state. Click [here](#) for more information.  
Civil Rights Division

**For Employees**  
We ensure employees are paid what they earn. We enforce laws related to minimum wage, overtime, terms and conditions of employment and prevailing wage rates on public works projects. We also help workers recover wages owed by an employer--click [here](#) for more information.  
Wage and Hour Division

**For Employers**  
Our Technical Assistance for Employers Program (TA) provides a variety of guidance and services to help employees follow the law. This includes statewide public seminars; customized, on-site trainings; employment law manuals and publications; and an assistance hotline that responds to questions from employers via phone and email. Click [here](#) for more information.  
[Technical Assistance for Employers](#)

Commissioner's Office  
Wage and Hour Division  
Civil Rights Division  
Apprenticeship Division  
Technical Assistance  
Regional Offices

**Recent News and Information**

BOLI News Central  
Minimum Wage Information  
Statewide Sick Time Law  
Annual Employment Certificate Application for Minors Age 14-17  
Employer Seminars  
\*New\* Oregon Employee Work Schedules Law Poster  
Pay Equity Law  
Whistleblower Protections

OREGON BUREAU of LABOR & INDUSTRIES

For Workers For Employers Civil Rights Apprenticeship About

# Welcome to the Bureau of Labor & Industries

## How can we help you?

**FOR WORKERS**

**WAGES**

[I didn't get my final paycheck on time.](#)

[I'm not being paid minimum wage.](#)

**HOURS, MEALS, OR BREAKS**

[My employer isn't giving me breaks.](#)

[Is my employer required to give me sick leave?](#)

**CIVIL RIGHTS AT WORK**

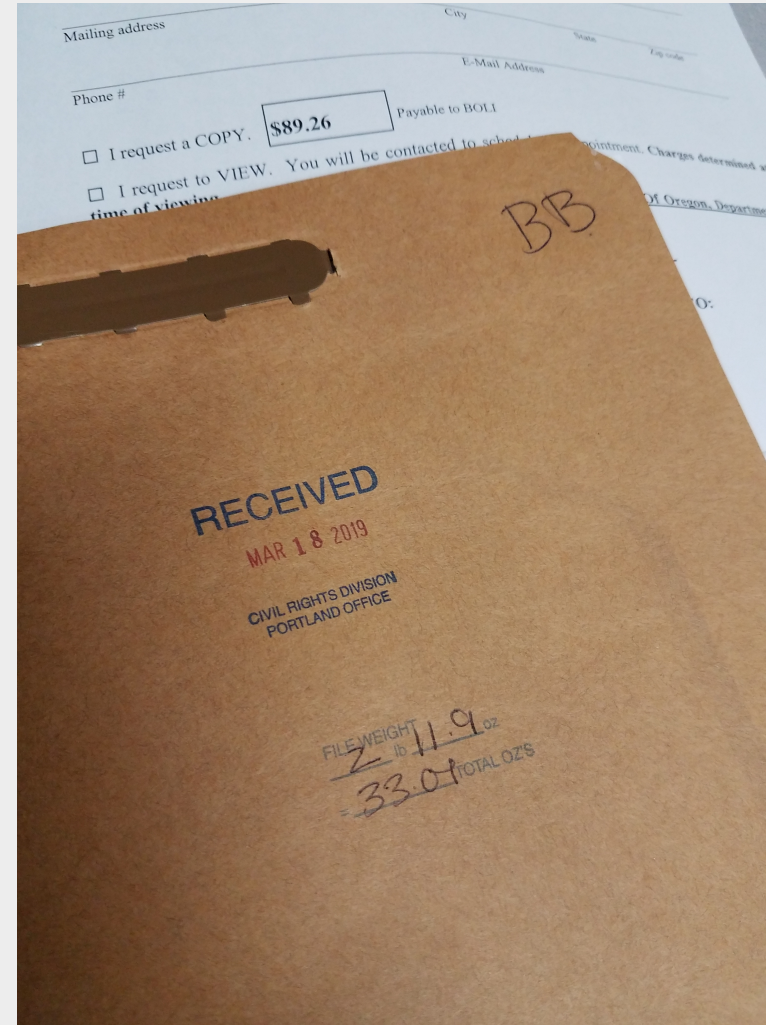
[I'm facing discrimination based on disability.](#)

[My employer is discriminating against me.](#)



# Transparency

- Improved and prioritized transparency
- Eliminated public records charges for complainants and respondents
- Eliminated public records charges for press
- Stopped charging by the pound for public records
- Hired full time public records manager (thank you!)



# BOLI Basics

- Currently has 109 positions
  - BOLI is less than half the size it was 40 years ago
  - Dozens of new laws and responsibilities without enforcement funding
- BOLI offices in Portland, Salem, Eugene + satellite support in Medford and Eastern Oregon
- **Governor's recommended budget included increases to BOLI:**
  - \$34,699,720 overall
  - 117.50 FTE (+11.5 FTE)



# COVID Impacts

- Quickly closed offices and moved to remote work
- Not every agency took COVID cuts, but BOLI did
- Saved at least one front line position through voluntary management furloughs
- Immediately worked to provide timely information to workers and employers





# Commissioner's Office

Human Resources, Public Records, Fiscal,  
Information Services, Reception

- Currently has 27.54 FTE
- **Governor's Recommended Budget would:**
  - Keep current staffing and program budget levels
  - Reclassify Information Technology Services positions



# Wage and Hour

- Protect Oregonians at work
- Enforce wage and hour laws, investigate complaints/claims, collect payment for workers
- Proactive Investigation Enforcement Unit
- Set prevailing wage rates and enforce labor standards on public works contracts
- License and regulate farm, forest, janitorial, and labor contractors



# Wage and Hour Highlights

- Increase in accessibility = increase in wage claims
  - Wage claims have increased by more than 25% in 2020
  - Used to require people to download, print and mail an 11-page form to file a complaint
  - All claim/complaint forms now online and accessible
- Majority of wage complaints/claims are for working conditions (minimum wage and overtime), late paychecks, sick leave, meal and rest breaks



# Wage and Hour Key Performance Measures

- Time to process wage complaints
- Time to process wage security fund claims
- Time to complete prevailing wage investigations
- Time to process prevailing wage pre-determinations
- Number of days from claim received to demand letter sent
- Number of days from pending assignment to assigned to case submission
- **Number of days from assigned for investigation to case referred/closed**

Green = meeting KPM; Red = not meeting KPM

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# Wage and Hour **By the Numbers** 2020

- Over \$1 million in back wages collected for workers
- 1,602 investigations of unpaid wages (up from 1,240 in 2019)
- 2,003 investigations of wage and hour violations (down from 2,263 received in 2019)
- 66 prevailing wage determinations made
- 20 prevailing wage employer seminars held
- 4,199 child labor permits issued



# Wage Security Fund

- The Wage Security Fund (WSF) is the only backstop to repay workers whose employer went out of business without paying their wages
- \$10,336,910 million in the fund as of January 31, 2021
- \$1.5 million was swept from the Wage Security Fund to the General Fund in August 2020
- We haven't seen a big impact on WSF from COVID yet. Many businesses haven't truly gone out of business or filed bankruptcy yet.



# Wage and Hour Budget

- Currently has 33.5 FTE
- **Governor's Recommended Budget would:**
  - Keep current staffing and program budget levels
  - Add one bilingual investigator
  - Reclassify Proactive Investigation Unit positions so staff can investigate both Civil Rights and Wage and Hour violations on the same worksite visit
- Prevailing Wage work is funded by fees collected on public works contracts
- Proactive Investigation Enforcement Unit is funded by Wage Security Fund



# Civil Rights

- Enforce civil rights laws
  - Workplaces
  - Housing
  - Places that do business with the public
- Protect workers
  - Discrimination
  - Retaliation (and workplace safety)
  - Whistleblowers
  - OFLA, workers' comp





# Civil Rights Highlights

- Improvements to investigations & intake
  - Required rebuttal interviews, witness interviews
  - Consistent and detailed investigative plans and dismissal memos
  - Established full-time conciliator position to resolve cases
  - Staff training and peer review
  - Improved intake processes
- Investigator caseloads are too high. New positions will help maintain and improve timing of investigations and build upon the quality of investigations



# Civil Rights Key Performance Measures

- Time to respond to initial inquiries
- Time from questionnaire assigned to charges submitted
- Time between investigation assignment and complainant interview
- Time between investigation assignment and case submission

Green = meeting KPM; Red = not meeting KPM

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# Civil Rights **By the Numbers**

- **\$1,021,329** collected for workers in FY 2020
- **1,699 cases opened** in FY 2020
- Top 5 civil rights cases by type:
  - Disability, retaliation, whistleblowing, sex, race/color
- Cases were filed in every county
  - Nearly 70% of cases were filed in Multnomah, Washington, Lane, Marion and Clackamas counties



# Civil Rights Budget

- Currently has 30.5 FTE
- **Governor's Recommended Budget would:**
  - Keep current staffing and program budget levels
  - Add nine new Civil Rights positions
    - Includes four positions to enforce Fair Housing laws with renewed HUD contract in Fall 2021



# Civil Rights Contract Work

- Civil Rights Division contracts with OSHA, Workers' Comp, and EEOC on a per-case basis to investigate complaints
- **OSHA:** \$2,000 per case
- **Workers' Comp:** \$2,000 per case
- **EEOC:** \$800 per case



# HUD Contract renewing Fall 2021

- Enforcement requires one-time startup funds for staff
- BOLI is reimbursed \$1,500 - \$3,200 per case, plus reimbursement for additional litigation
- We anticipate an increase in housing cases
- Governor's Recommended Budget recommends funding four positions to be ready for this work in 2021



# Administrative Prosecution Unit

- Prosecute cases for BOLI enforcement divisions
- Prosecutors present cases before BOLI Administrative Law Judges who make determinations and judgments
- Collect penalties and money owed to workers and complainants



# Administrative Prosecution Unit

- Currently has 4 FTE
- **Governor's Recommended Budget would:**
  - Keep current staffing and program budget levels
  - Add an additional prosecutor
- Meeting Key Performance Measure: at least 88% of cases scheduled for hearing within 30 days of assignment





# Technical Assistance for Employers

- Provide guidance to help employers understand and follow Oregon laws
- Hotline, email
- Trainings, seminars, posters, handbooks
- Clear firewall between this resource and enforcement divisions



# Technical Assistance for Employers Highlights

- Quickly pivoted to online seminars and trainings but significant COVID impact
- Getting better every day at supporting employers virtually
- Need to expand outreach to help more employers
- As new laws are passed, we must fund employer outreach and education



# Technical Assistance Key Performance Measures

- % of calls/emails returned within one business day
  - Target: 95%
  - Performance: 87% (July 2019-December 2020)
  - Prior to COVID-19, performance was 99%
- Customer satisfaction survey measures
  - 90% rate overall employer support good or excellent

Green = meeting KPM; Red = not meeting KPM

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# Technical Assistance for Employers By the Numbers

- Responded to at least 21,611 inquiries from Oregon employers in 2020
- Led 94 public seminars for employers
- Taught 29 employer-specific, on-site seminars
- Sold 15,011 worksite posters
- Sold 1,008 employment law handbooks
- No wrong door to government approach



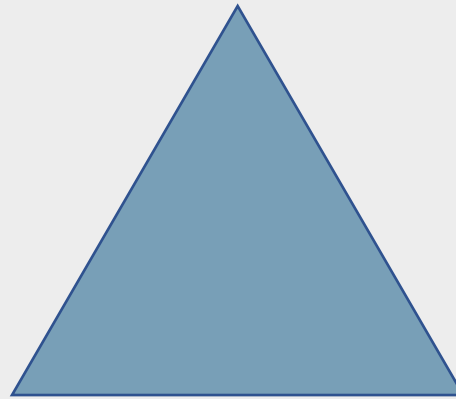
# Technical Assistance for Employers Budget

- Largely self-funded
  - BOLI charges employers for seminars, posters, handbooks, on-site trainings, and conferences
  - Has seen record contact numbers during the pandemic, but revenue has dipped
- Currently 6 FTE
- **Governor's Recommended Budget would:**
  - Keep current staffing and program budget levels
  - Eliminates temporary Eastern Oregon position



# What is apprenticeship?

**INDUSTRY STANDARDS**



**CERTIFIED CLASSROOM  
INSTRUCTION**

**PAID SUPERVISED  
ON-THE-JOB TRAINING**



# Apprenticeship

- Regulate and certify apprenticeship programs for the state
- Monitor quality and compliance, including EEOC and diversity goals
- Support heavy highway apprentices with wraparound services



# Apprenticeship Highlights

- Oregon Apprenticeship Training System (OATS)
- Improvements to accessibility
- Implementing surveys to determine why women and people of color are dropping out of apprenticeships at much higher rates than others
  - Workforce must reflect community, that requires outreach and effort
- Streamlining regulatory processes
- Expand apprenticeship outside of building and construction trades





# Apprenticeship By the Numbers

- 171 registered apprenticeship programs
- 78 different trades
- 10,350 total apprentices registered in Oregon
  - 20% people of color, 7% women, 11% veterans
- 1,529 apprentices graduated in 2020
- 153 total apprenticeship committees
- 5,195 employers registered as training agents



# Apprenticeship Key Performance Measures

- Apprentices completing their program (tests delayed, cancelled, certified classroom instruction model disrupted)
- Newly registered apprentices
- Percentage of new registrants that are BIPOC (Black, indigenous, and people of color)
- Percentage of new registrants that are women

**Green** = meeting KPM; **Red** = not meeting KPM

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# Apprenticeship Budget

- Currently 15.42 FTE
- **Governor's Recommended Budget would:**
  - Add the first Diversity, Equity, and Inclusion focused Apprenticeship position
  - Add a new compliance specialist position
  - Discontinue current temporary Veterans Services position and Eastern Oregon position



# Apprenticeship Budget

- **Also needed:**

- Funding to continue the Veterans' Specialist position to support veterans in apprenticeship
- Funding to continue the Eastern Oregon employer support and apprenticeship support position
- Services and supplies
- **TOTAL BIENNIUM COST: \$448,709**



# What a 10% budget cut would mean for BOLI

- Eight staff layoffs
  - Apprenticeship: 3 staff people
  - Wage and Hour: 4 staff people
  - Civil Rights: 1 manager
  
- Total biennium savings with a 10% cut: \$1,572,568



# 2021 Bills Impacting BOLI

- **59 bills impact BOLI**
  - 26 Civil Rights
  - 16 Wage and Hour
  - 9 Apprenticeship
  - 8 Agency-wide



# Looking ahead

- Veterans' Support and Eastern Oregon positions are critical to the direction we are taking BOLI and were not funded in the GRB
- These positions will fill a gap we've had for years (decades)
- Your targeted investments so far have made a big difference
- We have come a long way but still have a long way to go



**Thank You**  
**Questions?**

