

Legislative Fiscal Office

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Joint Committee on Ways and Means

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To: Members of the Ways and Means Transportation and Economic
Development Subcommittee

From: Ben Ruef, Legislative Fiscal Office

Date: May 26, 2021

Subject: HB 5015 - Bureau of Labor and Industries
Work Session Recommendations

Bureau of Labor and Industries - Agency Totals

	2017-19 Actual	2019-21 Legislatively Approved	2021-23 Current Service Level	2021-23 LFO Recommended
General Fund	12,855,950	14,585,247	15,725,680	17,829,892
Lottery Funds	--	260,230	--	261,416
Other Funds	11,457,934	14,812,241	14,679,546	14,980,246
Other Funds (NL)	612,180	900,000	938,700	938,700
Federal Funds	1,186,762	1,400,145	1,502,094	1,842,766
Total Funds	26,112,826	31,957,863	32,846,020	35,853,020
Positions	106	111	108	122
FTE	105.00	109.08	106.50	119.50

The Legislative Fiscal Office recommends a 2021-23 total funds budget of \$35,853,020 and 122 positions (119.50 FTE) for the Bureau of Labor and Industries. The recommended budget is a 12.2% increase from the legislatively approved budget for the 2019-21 biennium and a 9.2% increase from the current service level.

Increases to current service level are primarily due to the following eight packages:

- **Package 103 - Technical Assistance for Employers:** Adding back positions taken in Package 070, the purpose of this package is to mitigate revenue shortfall issues linked to the pandemic shutdown in 2019-21 by providing a stopgap to give time for revenue to return to normal levels. This package brings back two positions (2.00 FTE) that were laid off due to lack of revenue from the cancellation of revenue-generating training and seminars. This package is funded by a one-time transfer of \$556,656 from the Wage Security Fund. This one-time funding will buy the program two years to re-establish revenue streams with an adapted business model that includes virtual alternatives to the historically in-person training and seminars. Continuation of these positions into future biennia is contingent upon program

revenues returning to pre-COVID levels. Both positions will be limited duration until more permanent funding is established.

- **Package 105 - Administrative Prosecution Unit Caseload Increase:** Adds a full-time Compliance Specialist 3 (1.00 FTE) funded by General Fund (\$214,952) to service the growing case volume.
- **Package 106 - IT Staff Reclass:** This package requests the reclassification of three Information Services Unit (ISU) positions to reflect market realities. BOLI has a small, efficient, Information Services Unit, led by a Principal Executive Manager (PEM E) who serves as the budget director, fiscal services manager, and ISU manager. This unit requires reclassification to reflect the level of work expected and completed to meet the increased enterprise-wide compliance standards and the real challenges to be faced by the agency in retaining or potentially replacing these positions. The package requests \$60,529 Other Funds expenditure limitation and reduces General Fund by \$591.
- **Package 131 - CRD HUD/EOC Policy Issues and Caseload:** The purpose of this package as introduced in the GRB is to increase civil rights enforcement capacity and lower investigator caseload to below 45 per investigator by adding 9 positions (9.00 FTE) to the Civil Rights Division. This package also responds to an anticipated increased workload from HUD fair housing cases due to the October 2021 expiration of an amendment to OR 659A.845 resulting in a statutory requirement of BOLI to take on these cases. HUD fair housing cases are reimbursable by the federal government and therefore the 2.00 FTE proposed for this work is paid for by Federal Funds (\$346,169). The other 7.00 FTE proposed in this package are paid for by General Fund (\$1,353,174) in the form of a one-time transfer from the Wage Security Fund. Due to the one-time funding the positions are recommend Limited Duration.
- **Package 141 - Proactive Investigator Enforcement Reclass:** This package aims to increase system efficiency by reclassifying positions to receive and investigate both Civil Rights complaints and Wage and Hour complaints instead of just one or the other. The Proactive Investigation and Enforcement Unit was created to be proactive, investigate, and enforce wage and hour violations. As these investigators visit workplaces and follow-up on tips and complaints, they frequently encounter potential civil rights cases that co-occur with Wage and Hour complaints. This is not surprising – a workplace with issues doesn't necessarily confine those issues to one narrow area of law. However, the PIE unit – due to state classification rules and collective bargaining agreements – cannot field or investigate civil rights violations. An investigator from BOLI – the workplace and civil rights agency - arrives, hears their complaint and as soon as it veers outside of wage and hour law they are told that someone else, back at an office, has to handle that aspect of their complaints. This package requests \$3,031 General Fund and \$135,475 Other Fund expenditure limitation to reclassify four positions from Compliance Specialist 2 to Compliance Specialist 3.
- **Package 143 - WHD and PWR Workload:** This package adds a bilingual Compliance Specialist 2 (1.00 FTE) and reclassifies an Administrative Specialist 2 to an Operations and Policy Analyst 1 in the Eugene office. The Compliance Specialist will provide support to Spanish speakers in the investigation of wage claims and complaints. Currently, BOLI's Eugene office does not have any bilingual staff. The

Operations and Policy Analyst position is intended to increase employer familiarity and compliance with Prevailing Wage laws across the state. This package is funded with Other Funds from the Wage Security Fund.

- **Package 151 - Eastern Oregon Apprenticeship and Veterans Outreach:** This package requests \$222,691 General Fund and \$261,416 Lottery Fund to continue two limited duration positions (2.00 FTE) and reclassify one manager from a PEM C to a PEM D. This package continues the limited duration Eastern Oregon based position for improved customer service, continues the Veteran's Outreach limited duration position granted for the 2019-21 biennium and reclassifies the Apprenticeship and Training Division Operations Manager equal to comparable positions in the agency.
- **Package 152 - Compliance, DEI:** This package establishes a full-time Diversity, Equity, and Inclusion specialist (1.00 FTE) funded by General Fund (\$222,114) to work proactively with apprenticeship training agents to develop strategies and supports to ensure greater participation and success for women and minorities in apprenticeship. It also adds one limited duration Compliance Specialist 2 (1.00 FTE) funded by Other Funds (\$392,771) to fulfill obligations related to an ongoing collaboration with the Higher Education Coordinating Commission (HECC) and the Oregon Employment Department (OED). Deliverables associated with the collaboration include enhancement of BOLI's apprenticeship database to increase functionality and data sharing with other agencies, support for pre-apprenticeship programs, services for apprentices, and the expansion of a cultural competency training program for apprentices and journey workers.

Also included are packages carrying forward 2019-20 interim budget actions.

Adjustments to Current Service Level

See attached "Work Session Presentation Report."

Note: Statewide adjustments are not included in these recommendations. Any needed adjustments will be made in an omnibus bill at the end of session.

Performance Measures

See attached "Legislatively Proposed 2021-23 Key Performance Measures."

Recommended Changes

LFO recommends a budget of \$17,829,892 General Fund, \$261,416 Lottery Funds, \$14,980,246 Other Funds, \$1,842,766 Federal Funds, \$938,700 Nonlimited Other Funds, and 122 positions (119.50 FTE), which is reflected in the -1 amendment.

Final Subcommittee Action

LFO recommends that HB 5015, as amended by the -1 amendment, be moved to the Ways

and Means Full Committee.

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	14,894,178	250,000	13,953,296	1,335,294	900,000	-	31,332,768	113	109.80
2019-21 Ebds, SS & Admin Act	(308,931)	10,230	858,945	64,851	-	-	625,095	(2)	(0.72)
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	14,585,247	260,230	14,812,241	1,400,145	900,000	-	31,957,863	111	109.08
2019-21 Leg Approved Budget (Base)	14,894,178	250,000	13,953,296	1,335,294	900,000	-	31,332,768	113	109.80
Summary of Base Adjustments	815,032	(150,362)	726,861	150,518	38,700	-	1,580,749	(5)	(3.30)
2021-23 Base Budget	15,709,210	99,638	14,680,157	1,485,812	938,700	-	32,913,517	108	106.50
010: Non-PICS Pers Svc/Vacancy Factor	(74,269)	-	(44,128)	(4,822)	-	-	(123,219)	-	-
020: Phase In / Out Pgm & One-time Cost	(260,000)	(99,638)	(369,309)	-	-	-	(728,947)	-	-
030: Inflation & Price List Adjustments	350,739	-	412,826	21,104	-	-	784,669	-	-
2021-23 Current Service Level	15,725,680	-	14,679,546	1,502,094	938,700	-	32,846,020	108	106.50
070: Revenue Reductions/Shortfall	-	-	(687,894)	-	-	-	(687,894)	(2)	(2.00)
080: E-Boards	(422,857)	-	235,523	-	-	-	(187,334)	(2)	(2.00)
Adjusted 2021-23 Current Service Level	15,302,823	-	14,227,175	1,502,094	938,700	-	31,970,792	104	102.50
Total LFO Recommended Packages	2,527,069	261,416	753,071	340,672	-	-	3,882,228	18	17.00
2021-23 Legislative Actions	17,829,892	261,416	14,980,246	1,842,766	938,700	-	35,853,020	122	119.50
Net change from 2019-21 Leg Approved Budget	3,244,645	1,186	168,005	442,621	38,700	-	3,895,157	11	10.42
Percent change from 2019-21 Leg Approved Budget	22.3%	0.5%	1.1%	31.6%	4.3%	0.0%	12.2%	9.9%	9.6%
Net change from 2021-23 Adj Current Service Level	2,527,069	261,416	753,071	340,672	-	-	3,882,228	18	17.00
Percent change from 2021-23 Adj Current Service Level	16.5%	100.0%	5.3%	22.7%	0.0%	0.0%	12.1%	17.3%	16.6%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	4,653,053	-	3,745,485	283,523	-	-	8,682,061	28	27.38
2019-21 Ebds, SS & Admin Act	(11,774)	-	425,163	18,273	-	-	431,662	1	0.54
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	4,641,279	-	4,170,648	301,796	-	-	9,113,723	29	27.92
2019-21 Leg Approved Budget (Base)	4,653,053	-	3,745,485	283,523	-	-	8,682,061	28	27.38
Summary of Base Adjustments	401,075	-	415,489	38,663	-	-	855,227	-	0.62
2021-23 Base Budget	5,054,128	-	4,160,974	322,186	-	-	9,537,288	28	28.00
010: Non-PICS Pers Svc/Vacancy Factor	(19,544)	-	(7,265)	(1,574)	-	-	(28,383)	-	-
020: Phase In / Out Pgm & One-time Cost	(250,000)	-	-	-	-	-	(250,000)	-	-
030: Inflation & Price List Adjustments	113,442	-	88,501	394	-	-	202,337	-	-
2021-23 Current Service Level	4,898,026	-	4,242,210	321,006	-	-	9,461,242	28	28.00
070: Revenue Reductions/Shortfall	-	-	(556,656)	-	-	-	(556,656)	(2)	(2.00)
080: E-Boards	261,705	-	-	-	-	-	261,705	1	1.00
Adjusted 2021-23 Current Service Level	5,159,731	-	3,685,554	321,006	-	-	9,166,291	27	27.00
Total LFO Recommended Packages	760,032	-	50,557	-	-	-	810,589	3	3.00
2021-23 Legislative Actions	5,919,763	-	3,736,111	321,006	-	-	9,976,880	30	30.00
Net change from 2019-21 Leg Approved Budget	1,278,484	-	(434,537)	19,210	-	-	863,157	1	2.08
Percent change from 2019-21 Leg Approved Budget	27.6%	0.0%	(10.4%)	6.4%	0.0%	0.0%	9.5%	3.5%	7.5%
Net change from 2021-23 Adj Current Service Level	760,032	-	50,557	-	-	-	810,589	3	3.00
Percent change from 2021-23 Adj Current Service Level	14.7%	0.0%	1.4%	0.0%	0.0%	0.0%	8.8%	11.1%	11.1%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 070 Revenue Shortfalls

Package Description This package reduces Other Funds expenditure limitation by \$556,656 as well as eliminating two permanent Training and Development Specialist positions (2.00 FTE) due to a revenue shortfall in the Technical Assistance for Employers Program.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	-	-	(556,656)	-	-	-	(556,656)	(2)	(2.00)
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**LFO102 - Work Session Presentation Report
2021-23 Biennium**

**Version: L - 01 - LFO Analyst Recommended
Cross Reference: 83900-010-00-00-00000
Commissioner's Office/Supp Svcs**

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 081 April 2020 Eboard

Package Description This package includes \$261,705 General Fund to support a permanent Human Resources Analyst (1.00 FTE) granted during the April 2020 Emergency Board.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	261,705	-	-	-	-	-	261,705	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	(10,985)	-	(9,972)	-	-	-	(20,957)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 103 Technical Assistance for Employers

Package Description The purpose of this package is to mitigate revenue shortfall issues linked to the pandemic shutdown in 2019-21 by providing a stopgap to give time for revenue to return to normal levels. This package brings back two positions (2.00 FTE) that were laid off due to lack of revenue from the cancellation of revenue-generating training and seminars. This package is funded by a one-time transfer from the Wage Security Fund. This one-time funding will buy the program two years to re-establish revenue streams with an adapted business model that includes virtual alternatives to the historically in-person training and seminars. Continuation of these positions into future biennia is contingent upon program revenues returning to pre-COVID levels. Both positions will be limited duration until more permanent funding is established.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	556,656	-	-	-	-	-	556,656	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 105 Administrative Prosecution Unit Caseload Increase

Package Description This package requests \$214,952 General Fund to fund one permanent Compliance Specialist 3 position (1.00 FTE) as well as related services and supplies. The Administrative Prosecution Unit is experiencing increasing case volume, leading to slower case processing, overloaded employees, and dissatisfied customers. Civil rights cases have notably increased year after year.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	214,952	-	-	-	-	-	214,952	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 106 Information Technology Staff Reclass

Package Description This package requests the reclassification of three Information Services Unit (ISU) positions to reflect market realities. BOLI has a small, efficient, Information Services Unit, led by a Principal Executive Manager (PEM E) who serves as the budget director, fiscal services manager, and ISU manager. This unit requires reclassification to reflect the level of work expected and completed to meet the increased enterprise wide compliance standards and the real challenges to be faced by the agency in retaining or potentially replacing these positions. The package requests \$60,529 Other Funds expenditure limitation and reduces General Fund by \$591 through reclassification of BOLI's three Information Services Unit positions as such:

- Position 8390202 is currently a PEM E with a proposed reclassification to PEMF
- Position 8390219 is currently an ISS4 with a proposed classification to an ISS7
- Position 8390218 is currently an ISS6 with a proposed classification to an ISS8

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	(591)	-	60,529	-	-	-	59,938	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	3,917,253	-	1,637,038	1,051,771	-	-	6,606,062	31	30.50
2019-21 Ebds, SS & Admin Act	16,730	-	88,547	46,578	-	-	151,855	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	3,933,983	-	1,725,585	1,098,349	-	-	6,757,917	31	30.50
2019-21 Leg Approved Budget (Base)	3,917,253	-	1,637,038	1,051,771	-	-	6,606,062	31	30.50
Summary of Base Adjustments	300,102	-	100,961	111,855	-	-	512,918	-	-
2021-23 Base Budget	4,217,355	-	1,737,999	1,163,626	-	-	7,118,980	31	30.50
010: Non-PICS Pers Svc/Vacancy Factor	(16,904)	-	(10,997)	(3,248)	-	-	(31,149)	-	-
030: Inflation & Price List Adjustments	107,501	-	44,749	20,710	-	-	172,960	-	-
2021-23 Current Service Level	4,307,952	-	1,771,751	1,181,088	-	-	7,260,791	31	30.50
Adjusted 2021-23 Current Service Level	4,307,952	-	1,771,751	1,181,088	-	-	7,260,791	31	30.50
Total LFO Recommended Packages	1,339,859	-	(4,016)	340,672	-	-	1,676,515	9	9.00
2021-23 Legislative Actions	5,647,811	-	1,767,735	1,521,760	-	-	8,937,306	40	39.50
Net change from 2019-21 Leg Approved Budget	1,713,828	-	42,150	423,411	-	-	2,179,389	9	9.00
Percent change from 2019-21 Leg Approved Budget	43.6%	0.0%	2.4%	38.6%	0.0%	0.0%	32.3%	29.0%	29.5%
Net change from 2021-23 Adj Current Service Level	1,339,859	-	(4,016)	340,672	-	-	1,676,515	9	9.00
Percent change from 2021-23 Adj Current Service Level	31.1%	0.0%	(0.2%)	28.8%	0.0%	0.0%	23.1%	29.0%	29.5%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	(13,315)	-	(4,016)	(5,497)	-	-	(22,828)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 131 CRD HUD/EEOC Policy Issues & Caseload Needs

Package Description The purpose of this package is to increase civil rights enforcement capacity and lower investigator caseload to below 45 per investigator by adding 9 positions (9.00 FTE) to the Civil Rights Division. This package also responds to an anticipated increased workload from HUD fair housing cases due to the October 2021 expiration of an amendment to OR 659A.845 resulting in a statutory requirement of BOLI to take on these cases. HUD fair housing cases are reimbursable by the federal government and therefore the 2.00 FTE proposed for this work is paid for by Federal Funds (\$346,169). The Legislative Fiscal Office recommends the approval of these two positions. The other 7.00 FTE proposed in this package are paid for by General Fund (\$1,353,174) in the form of a one-time transfer from the Wage Security Fund. Due to the one-time funding on these 7 FTE they are recommended as Limited Duration positions.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	1,353,174	-	-	346,169	-	-	1,699,343	9	9.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	3,009,278	-	5,881,413	-	900,000	-	9,790,691	35	33.50
2019-21 Ebds, SS & Admin Act	(3,353)	-	319,190	-	-	-	315,837	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	3,005,925	-	6,200,603	-	900,000	-	10,106,528	35	33.50
2019-21 Leg Approved Budget (Base)	3,009,278	-	5,881,413	-	900,000	-	9,790,691	35	33.50
Summary of Base Adjustments	145,050	-	354,623	-	38,700	-	538,373	(2)	(1.00)
2021-23 Base Budget	3,154,328	-	6,236,036	-	938,700	-	10,329,064	33	32.50
010: Non-PICS Pers Svc/Vacancy Factor	(15,055)	-	(21,207)	-	-	-	(36,262)	-	-
030: Inflation & Price List Adjustments	106,168	-	178,297	-	-	-	284,465	-	-
2021-23 Current Service Level	3,245,441	-	6,393,126	-	938,700	-	10,577,267	33	32.50
080: E-Boards	(235,523)	-	235,523	-	-	-	-	-	-
Adjusted 2021-23 Current Service Level	3,009,918	-	6,628,649	-	938,700	-	10,577,267	33	32.50
Total LFO Recommended Packages	(7,493)	-	315,226	-	-	-	307,733	2	1.00
2021-23 Legislative Actions	3,002,425	-	6,943,875	-	938,700	-	10,885,000	35	33.50
Net change from 2019-21 Leg Approved Budget	(3,500)	-	743,272	-	38,700	-	778,472	-	-
Percent change from 2019-21 Leg Approved Budget	(0.1%)	0.0%	12.0%	0.0%	4.3%	0.0%	7.7%	0.0%	0.0%
Net change from 2021-23 Adj Current Service Level	(7,493)	-	315,226	-	-	-	307,733	2	1.00
Percent change from 2021-23 Adj Current Service Level	(0.3%)	0.0%	4.8%	0.0%	0.0%	0.0%	2.9%	6.1%	3.1%

Wage and Hour

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 087 August 2020 Special Session

Package Description This package includes a fund shift for portions of two positions in the Wage and Hour Division from General Fund to Other Funds from the Wage Security Fund, as directed by Senate Bill 5723 during the 2020 2nd Special Session.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	(235,523)	-	235,523	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 093 Transfers to General Fund

Package Description This package sweeps \$1,909,830 Other Funds from the Wage Security Fund (WSF) for a one-time transfer to the General Fund to help support positions in Package 103 - Technical Assistance to Employers and Package 131 - CRD HUD/EEOC Policy Issues and Caseload. See package 103 and 131 descriptions for more detail.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	-	-	-	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	(10,524)	-	(13,800)	-	-	-	(24,324)	-	-
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Wage and Hour

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 141 WHD Proactive Investigator Enforcement Reclass

Package Description This package aims to increase system efficiency by reclassifying positions to receive and investigate both Civil Rights complaints and Wage and Hour complaints instead of just one or the other. The Proactive Investigation and Enforcement Unit was created to be proactive, investigate, and enforce wage and hour violations. As these investigators visit workplaces and follow-up on tips and complaints, they frequently encounter potential civil rights cases that co-occur with Wage and Hour complaints. This is not surprising – a workplace with issues doesn't necessarily confine those issues to one narrow area of law. However, the PIE unit – due to state classification rules and collective bargaining agreements – cannot field or investigate civil rights violations. An investigator from BOLI – the workplace and civil rights agency - arrives, hears their complaint and as soon as it veers outside of wage and hour law they are told that someone else, back at an office, has to handle that aspect of their complaints.

This package requests \$3,031 General Fund and \$135,475 Other Fund expenditure limitation to reclassify four positions from Compliance Specialist 2 to Compliance Specialist 3.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	3,031	-	135,475	-	-	-	138,506	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 143 WHD and PWR Workload Needs

Package Description This package adds a bilingual Compliance Specialist 2 (1.00 FTE) and reclassifies an Administrative Specialist 2 to an Operations and Policy Analyst 1 in the Eugene office. The Compliance Specialist will provide support to Spanish speakers in the investigation of wage claims and complaints. Currently, BOLI's Eugene office does not have any bilingual staff. The Operations and Policy Analyst position is intended to increase employer familiarity and compliance with Prevailing Wage laws across the state. This package is funded with Other Funds from the Wage Security Fund.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	-	-	193,551	-	-	-	193,551	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description While the agency's FTE count is accurate, BOLI requires a position count increase by one to reflect legislatively approved positions. This is a data anomaly that was not caught at the time the PICS system transitioned to ORPICS, and has been identified after the Governor's Budget was finalized. Position #8390407.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	-	-	-	-	-	-	-	1	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	3,314,594	250,000	2,689,360	-	-	-	6,253,954	19	18.42
2019-21 Ebds, SS & Admin Act	(310,534)	10,230	26,045	-	-	-	(274,259)	(3)	(1.26)
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	3,004,060	260,230	2,715,405	-	-	-	5,979,695	16	17.16
2019-21 Leg Approved Budget (Base)	3,314,594	250,000	2,689,360	-	-	-	6,253,954	19	18.42
Summary of Base Adjustments	(31,195)	(150,362)	(144,212)	-	-	-	(325,769)	(3)	(2.92)
2021-23 Base Budget	3,283,399	99,638	2,545,148	-	-	-	5,928,185	16	15.50
010: Non-PICS Pers Svc/Vacancy Factor	(22,766)	-	(4,659)	-	-	-	(27,425)	-	-
020: Phase In / Out Pgm & One-time Cost	(10,000)	(99,638)	(369,309)	-	-	-	(478,947)	-	-
030: Inflation & Price List Adjustments	23,628	-	101,279	-	-	-	124,907	-	-
2021-23 Current Service Level	3,274,261	-	2,272,459	-	-	-	5,546,720	16	15.50
070: Revenue Reductions/Shortfall	-	-	(131,238)	-	-	-	(131,238)	-	-
080: E-Boards	(449,039)	-	-	-	-	-	(449,039)	(3)	(3.00)
Adjusted 2021-23 Current Service Level	2,825,222	-	2,141,221	-	-	-	4,966,443	13	12.50
Total LFO Recommended Packages	434,671	261,416	391,304	-	-	-	1,087,391	4	4.00
2021-23 Legislative Actions	3,259,893	261,416	2,532,525	-	-	-	6,053,834	17	16.50
Net change from 2019-21 Leg Approved Budget	255,833	1,186	(182,880)	-	-	-	74,139	1	(0.66)
Percent change from 2019-21 Leg Approved Budget	8.5%	0.5%	(6.7%)	0.0%	0.0%	0.0%	1.2%	6.3%	(3.9%)
Net change from 2021-23 Adj Current Service Level	434,671	261,416	391,304	-	-	-	1,087,391	4	4.00
Percent change from 2021-23 Adj Current Service Level	15.4%	100.0%	18.3%	0.0%	0.0%	0.0%	21.9%	30.8%	32.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 070 Revenue Shortfalls

Package Description This package reduces Other Funds expenditure limitation by \$131,238 to account for a revenue shortfall in the Apprenticeship and Training Division associated with the Oregon Department of Transportation Highway Diversity Project. The amount of this contract is capped at \$2.1 million and Package 070 brings the project total back in line with the \$2.1 million cap by reducing Services and Supplies related to inflation factors for the 21-23 biennium.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	-	-	(131,238)	-	-	-	(131,238)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 087 August 2020 Special Session

Package Description This package includes elimination of three permanent positions (3.00 FTE) from the Apprenticeship and Training Division as part of the 2019-21 biennium statewide reduction measures directed by Senate Bill 5723 during the 2020 2nd Special Session. Positions include an Office Specialist and two Apprenticeship Representatives.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	(449,039)	-	-	-	-	-	(449,039)	(3)	(3.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	(10,134)	-	(1,467)	-	-	-	(11,601)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 151 Eastern OR Apprenticeship Rep & Vet's Outreach

Package Description This package requests \$222,691 General Fund and \$261,416 Lottery Fund to continue two limited duration positions (2.00 FTE) and reclassify one manager from a PEM C to a PEM D. This package continues the limited duration Eastern Oregon based position for improved customer service, continues the Veteran's Outreach limited duration position granted for the 2019-21 biennium and reclassify the Apprenticeship and Training Division Operations Manager equal to comparable positions in the agency.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	222,691	261,416	-	-	-	-	484,107	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 152 Compliance, Diversity, Equity & Inclusion in Apprenticeship

Package Description This package proposes the addition of two positions (2.00 FTE) in the Apprenticeship and Training Division (ATD).

The first proposed position is funded by General Funds (\$2222,114) and would establish a full-time Diversity, Equity, and Inclusion specialist (1.00 FTE) to work proactively with apprenticeship training agents to develop strategies and supports to ensure greater participation and success for women and minorities in apprenticeship

The second position is funded by Other Funds (\$392,771) from a contract with the Higher Education Coordinating Commission (HECC). This proposed position would establish a limited duration Compliance Specialist 2 (1.00 FTE) to fulfill obligations related to an ongoing collaboration with HECC and the Oregon Employment Department (OED). Deliverables associated with the collaboration include enhancement of BOLI's apprenticeship database to increase functionality and data sharing with other agencies, support for pre-apprenticeship programs, services for apprentices, and the expansion of a cultural competency training program for apprentices and journey workers.

LFO Recommendation The Legislative Fiscal Office recommends approval.

LFO Recommended	222,114	-	392,771	-	-	-	614,885	2	2.00
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Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 5/19/2021 3:37:05 PM

Agency: Labor and Industries, Bureau of

Mission Statement:

The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
1. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	a) Overall	Approved	86.37	100	100
	b) Accuracy		86.36	100	100
	c) Availability of Information		79.54	100	100
	d) Expertise		84.09	100	100
	e) Helpfulness		81.82	100	100
	f) Timeliness		86.36	100	100
2. Timely Processing of Civil Rights Complaints - Percentage of target met for timely: intake, completion of perfected charge, initial interview and investigation (composite measure).		Approved	74%	85%	85%
3. Timely Processing of Wage and Hour Complaints - Percentage of target met for timely: intake and jurisdiction determination; demand letter, investigation: Composite measure.		Approved	80%	80%	80%
4. WHD - Percentage of WSF claims processed within fewer than 30 days.		Approved	91	85	85
5. WHD - Percentage of PWR investigations completed within 90 days.		Approved	44	65	65
6. ATD - Number of apprentices receiving journey level certificates.		Approved	1,724	1,200	1,200
7. ATD - Number of newly registered apprentices.		Approved	3,871	3,200	3,200
8. Minority Apprenticeship Participation - Percentage of new apprenticeship participants who are minorities.		Approved	19.85%	25%	25%
9. Administrative Prosecution Unit (APU) - Percentage of cases scheduled for hearing within 30 days of assignment to APU.		Approved	100	88	88
10. TA - Percentage of employer technical assistance calls or emails returned no later than the next business day.		Approved	87%	95%	95%
11. Prevailing Wage Rate Pre-determinations - Response time for requests by public agencies concerning potential coverage of projects under state Prevailing Wage laws.		Approved	100	95	95

LFO Recommendation:

The Legislative Fiscal Office recommends Key Performance Measures and targets as presented with changes outlined below.

KPM #2 - Timely Processing of Civil Rights Complaints: With the addition of 9 positions in Package 131, the number for Civil Rights Investigators goes from 20 to 29. An increase in the percentage of civil rights cases processed timely is expected. Increase target from 80% to 85%.

KPM #7 - Number of Newly Registered Apprentices: Increase target of 2,700 to 3,200, based on data from recent reporting years and the extension of the Eastern Oregon Apprenticeship and Veterans Outreach positions in Package 151.

KPM #8 - Minority Apprenticeship Participation: Increase target from 18.50% to 25%, based on data from recent reporting years and the addition of a full-time Diversity, Equity, and Inclusion Specialist in Package 152.

SubCommittee Action: