



OREGON BUREAU OF
**LABOR &
INDUSTRIES**

Agency Overview

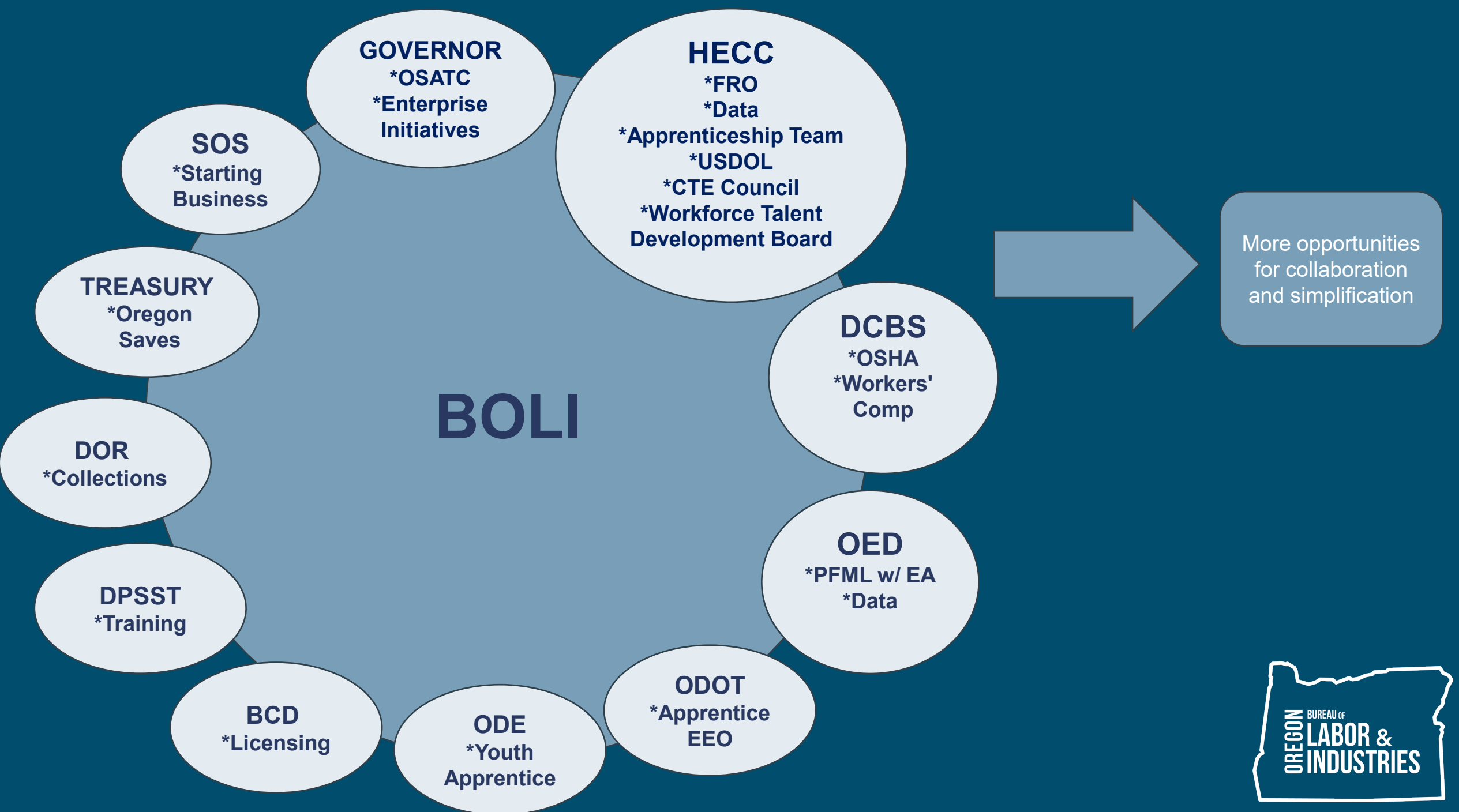
Christina Stephenson, Commissioner
Oregon Bureau of Labor and Industries
September 28, 2023



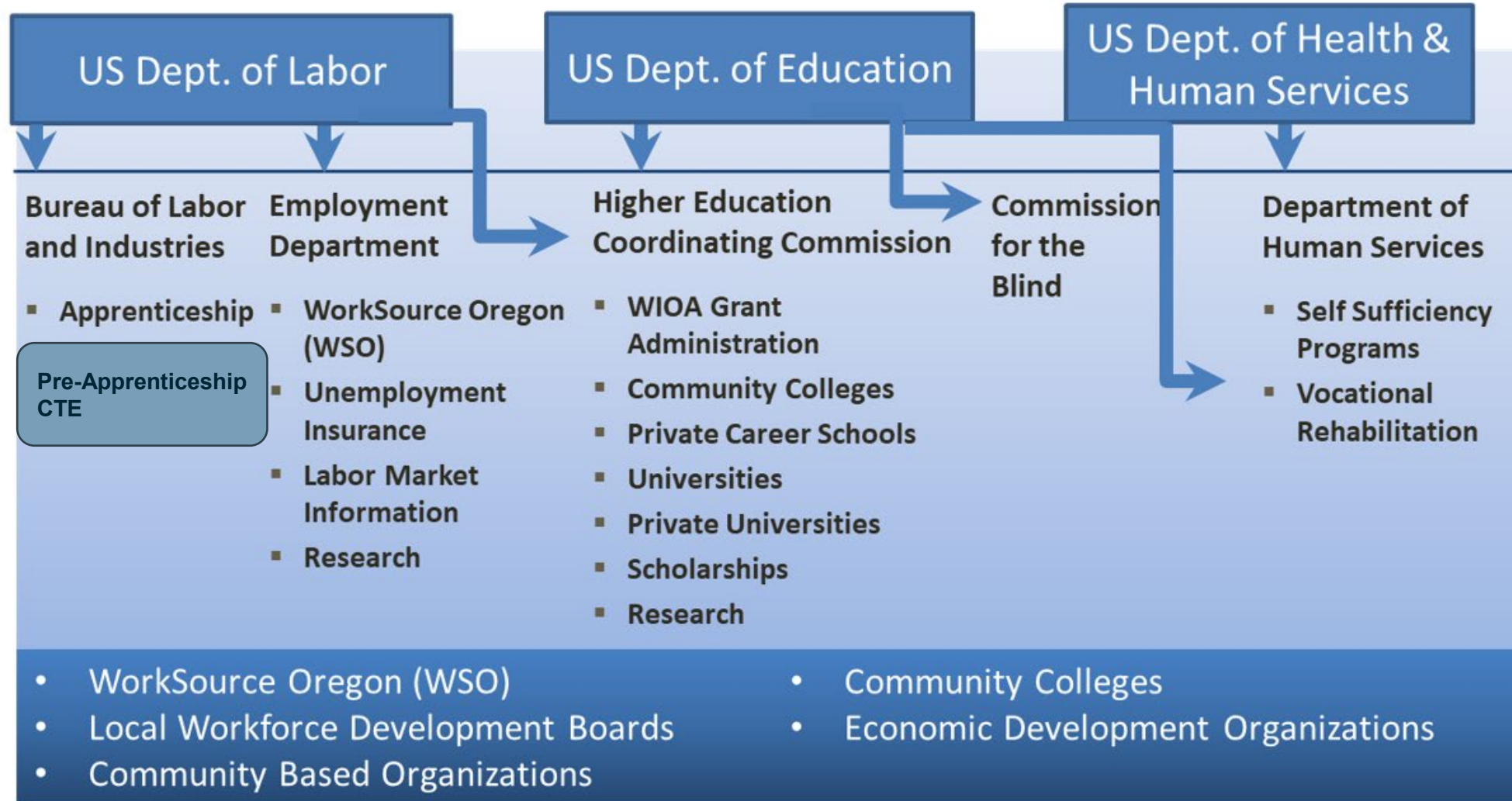
Agency Role and Responsibility

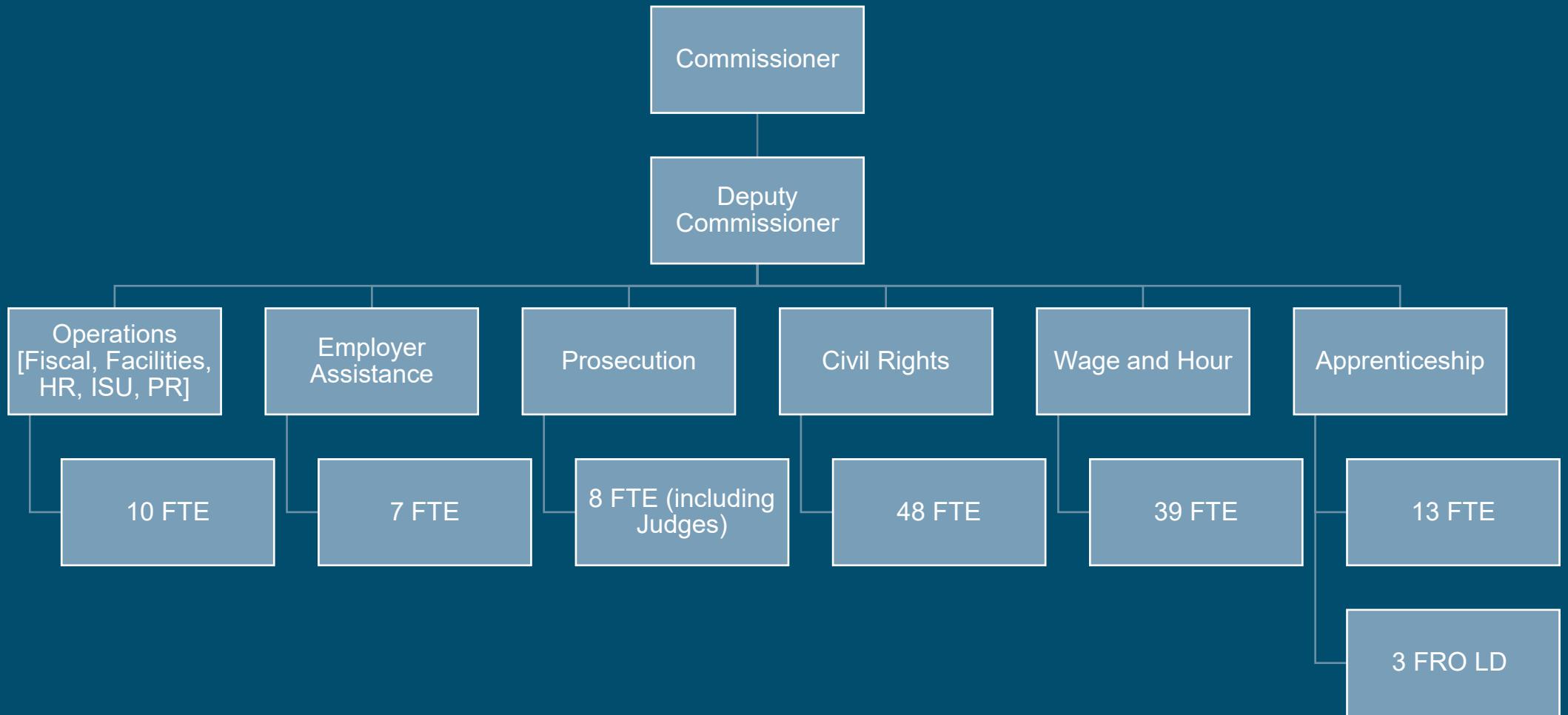
- The Bureau of Labor and Industries (BOLI) helps deliver a highly-skilled workforce through registered apprenticeship programs.
- BOLI works to ensure that Oregon jobs are good jobs, where workers get paid what they are owed and have a discrimination-free work environment.
- BOLI also provides training and confidential assistance to Oregon employers so they have the tools they need to comply with workplace rules.
- Additionally, BOLI enforces Oregon civil rights law in public spaces and housing.





Part of the Nation's Workforce System







Agency's Presence Throughout the State

Portland

Suite 1045
800 NE Oregon St.
Portland, OR 97232-3601

Salem

3865 Wolverine St NE
BLDG E-1
Salem, OR 97305-1268

Eugene

Suite 200 1400
Executive Pkwy
Eugene, OR 97401-7103

Previous Offices

Bend
Medford
Pendelton



Major Challenges Facing the Agency

Backlog of 1,300
Civil Rights
Claims

73% Increase in
Wage Claims

Legal Capacity

Public Records

Human
Resources

Outdated
Technology



23-25 Budget

10% increase over the previous biennium

Included three wage and hour positions, makes Eastern Oregon .5 apprenticeship position permanent, includes 2 mediators, 1 public records and HR staff



Apprenticeship Division

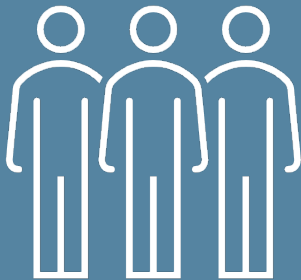


Oregon Registered Apprenticeship



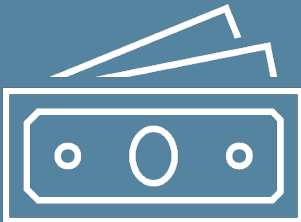
Paid On-the-Job-Training

- Defined work processes
- Minimum of 2,000 hours



EEO requirements

strong non-discrimination, anti-harassment, and recruitment practices to ensure access, equity, and inclusion



Progressive Wage Scale

Oregon Registered Apprenticeship

U-PACT

Pre-Apprenticeship Program
Certificate, OSHA 10, First
Aid/CPR & AED,
flagger training

**Oregon Teaching
Apprenticeship JATC**
K-12 Special Education
Teaching License

Central Oregon Community College Skilled Trades Pre-Apprenticeship

Pre-Apprenticeship Program
Certificate, OSHA 10, First Aid/CPR,
Class IV Forklift, NCCER Blue Card

On-PACE

Certified Alcohol & Drug Counselor
(CADC)

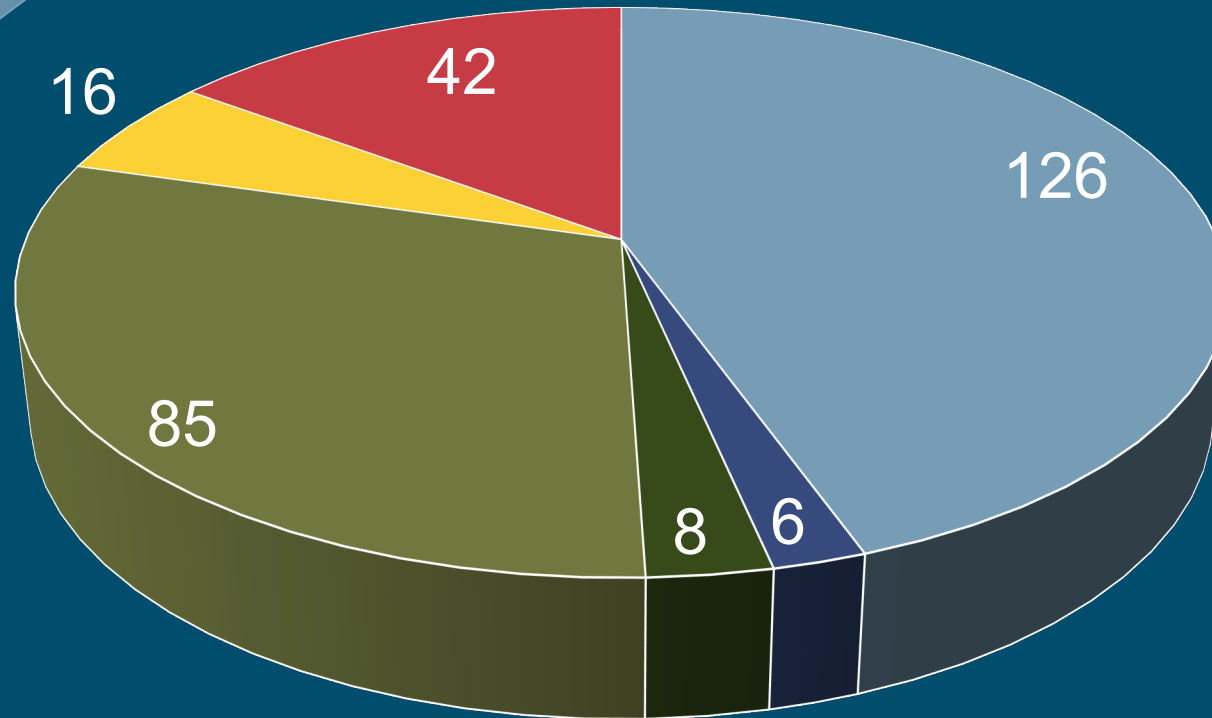
Apprenticeship By the Numbers

25.4%
OF REGISTERED
APPRENTICES
are from **communities of color**

- 154 registered apprenticeship programs
- 282 Occupational Standards
- 10,553 total apprentices registered in Oregon
 - 25.4% communities of color
 - 10.4% women
 - 7.7% veterans
- 2,527 Completions during 2022
- 5,873 employers (training agents)



Apprenticeship occupations in Oregon



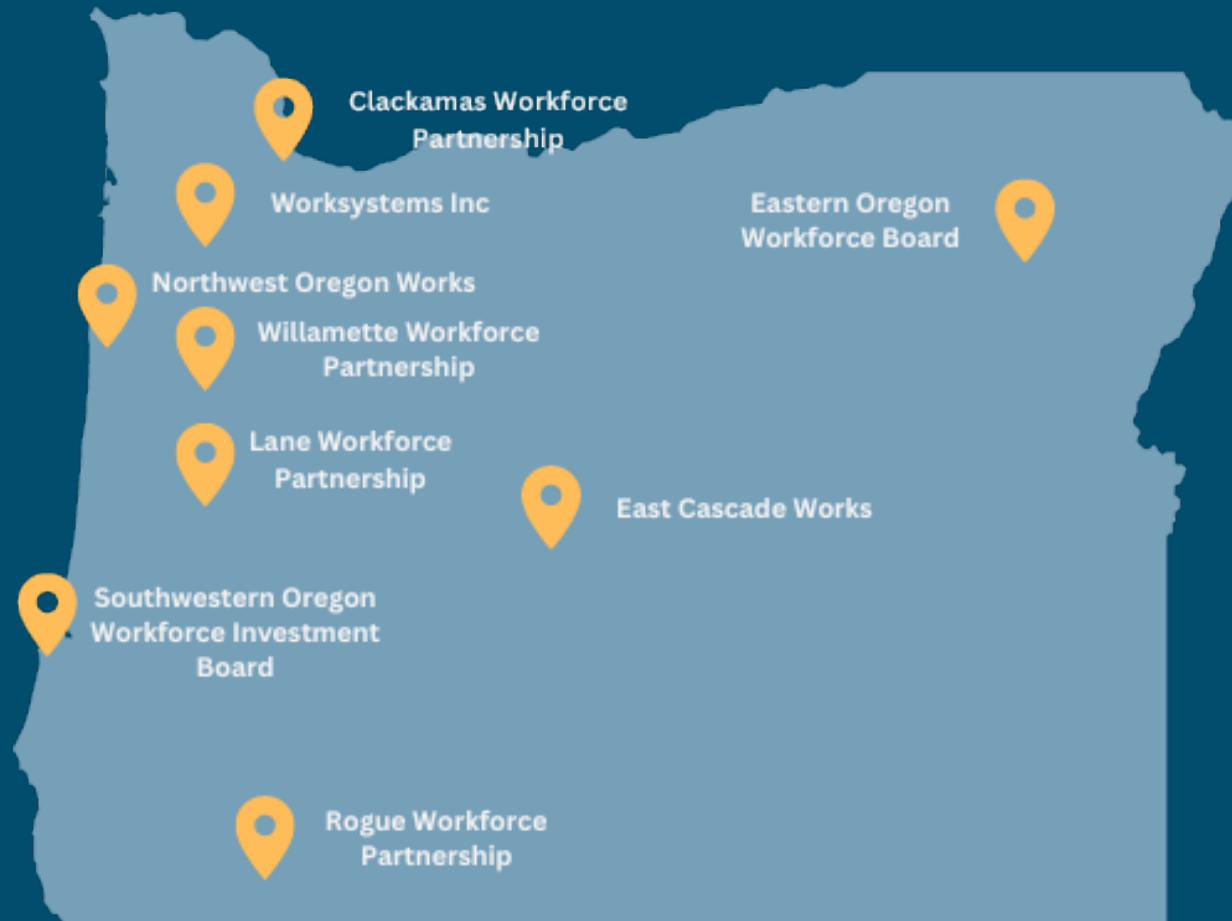
■ Construction
■ Health Care
■ Service

■ Government
■ Manufacturing
■ Transportation & Public Utilities



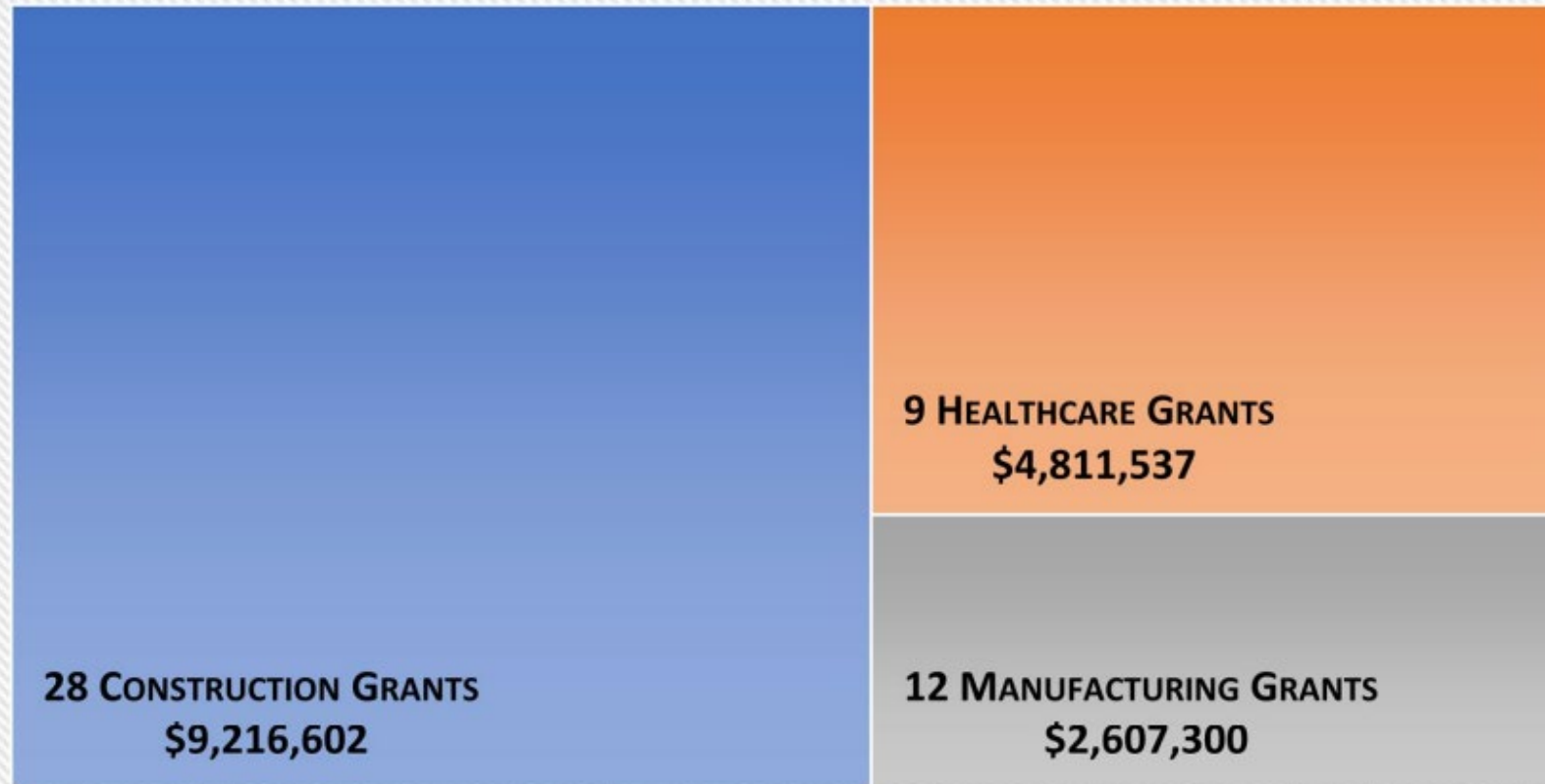
Future Ready Oregon

Workforce Regions Represented by FRO Grantees



Future Ready Oregon

FRO By Industry & Amount



49 grants totaling \$16.6 million

Construction - 55%
Healthcare - 29%
Manufacturing - 16%



Looking Forward

- Opportunities in Infrastructure Act Dollars
- Semiconductor work
- Ensuring jobs are staffed with skilled tradesworkers and apprentices, prioritizing underrepresented communities
- Need to scale ATD to ensure compliance and deliver high-quality apprenticeships
- When the legislature increases apprenticeship investments – corresponding investments need to be made in BOLI.



Civil Rights Division

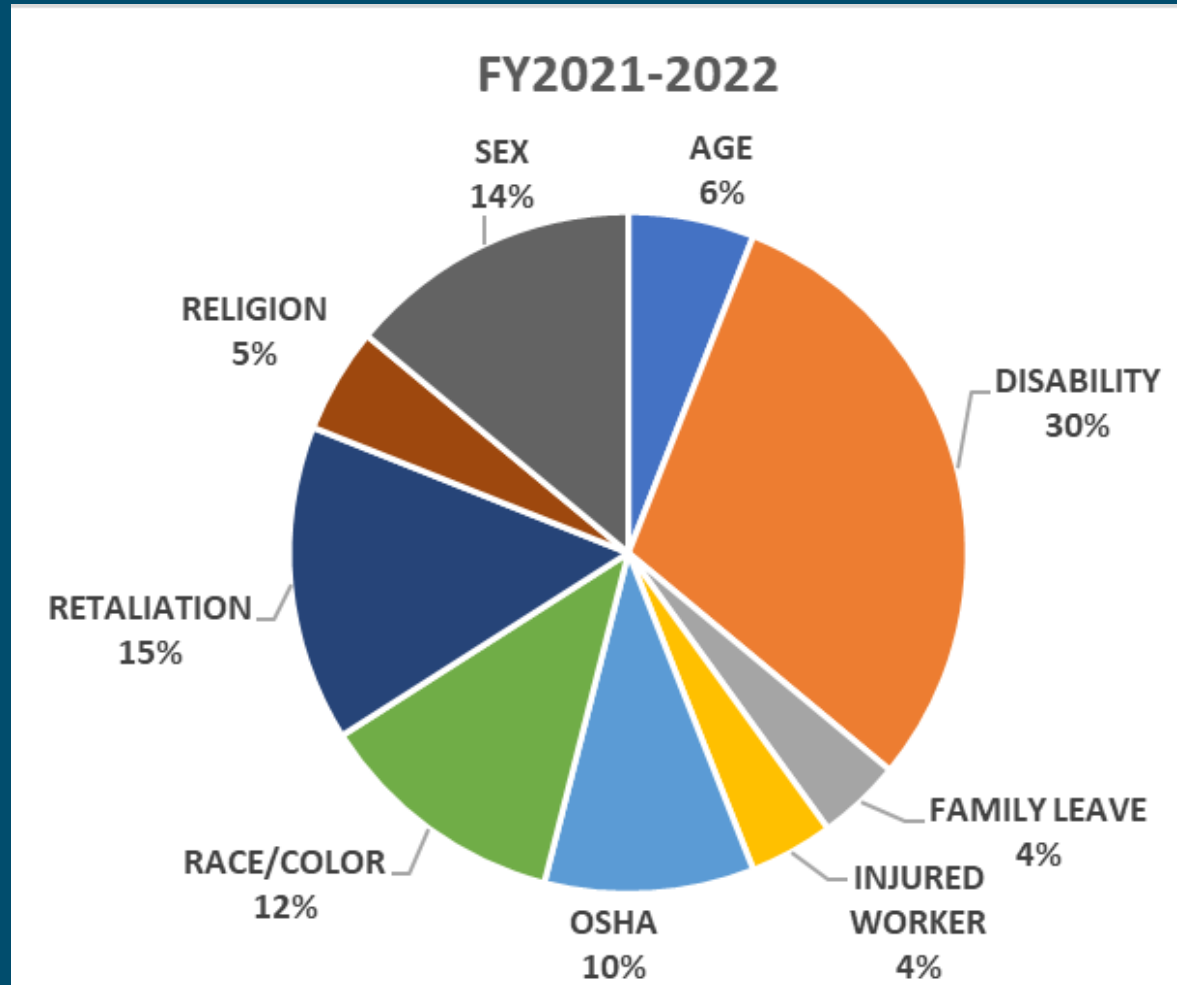


Laws Enforced by BOLI Civil Rights Division

ORS 659A	Discrimination in employment (including workers' comp retaliation), public accommodations, and housing
ORS 25.424	Discrimination because of child support garnishment
ORS 171.120-125	Employment discrimination relating to legislators
ORS 345.240	Discrimination by career schools
ORS 408.230 & 408.237	Employment rights of military personnel and veterans
ORS 441.178	Retaliation against nursing staff
ORS 476.576	Job restoration rights for volunteer fire-fighters
ORS 652.355 & 653.060	Discrimination because of wage claims/complaints
ORS 652.220	Pay Equity
ORS 654.062	Retaliation for workplace health/safety complaints
42 U.S.C. § 12101 et seq.	Americans with Disabilities Act and ADAAA
29 U.S.C § 621 et seq.	Age Discrimination in Employment Act
42 U.S.C. § 2000e et seq.	Title VII of the Civil Rights Act of 1964

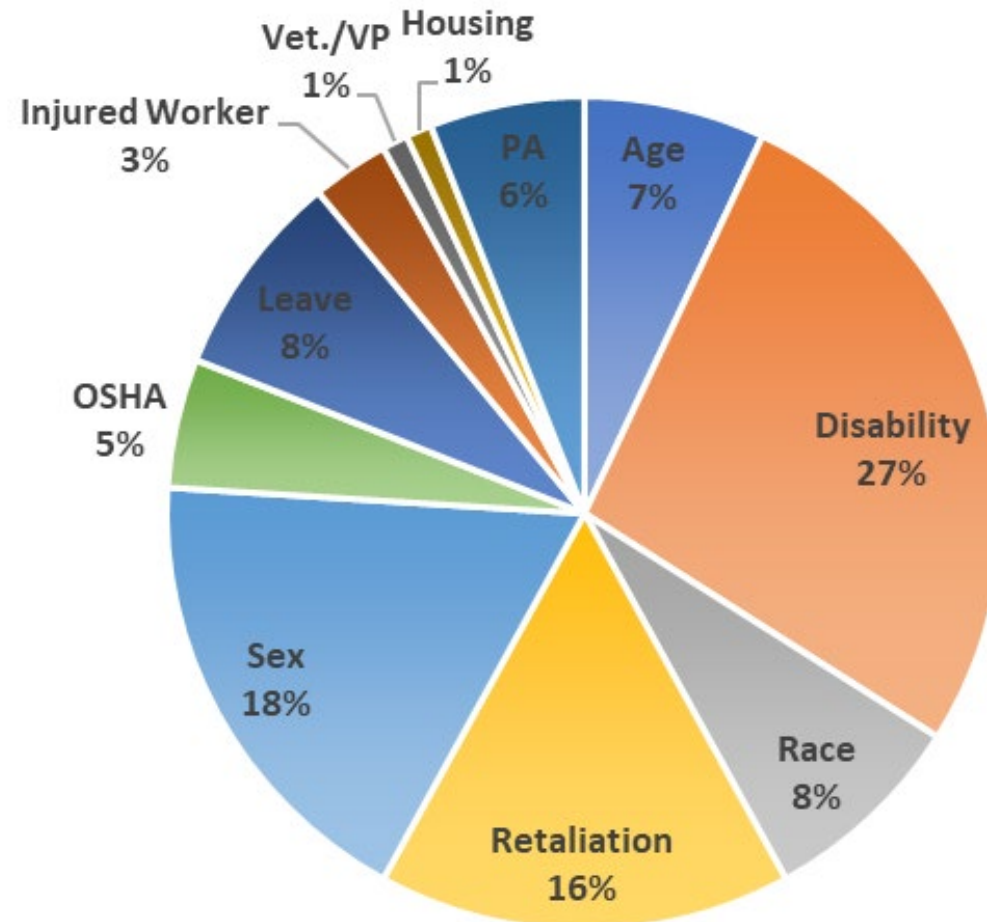


Types of Cases Filed with CRD

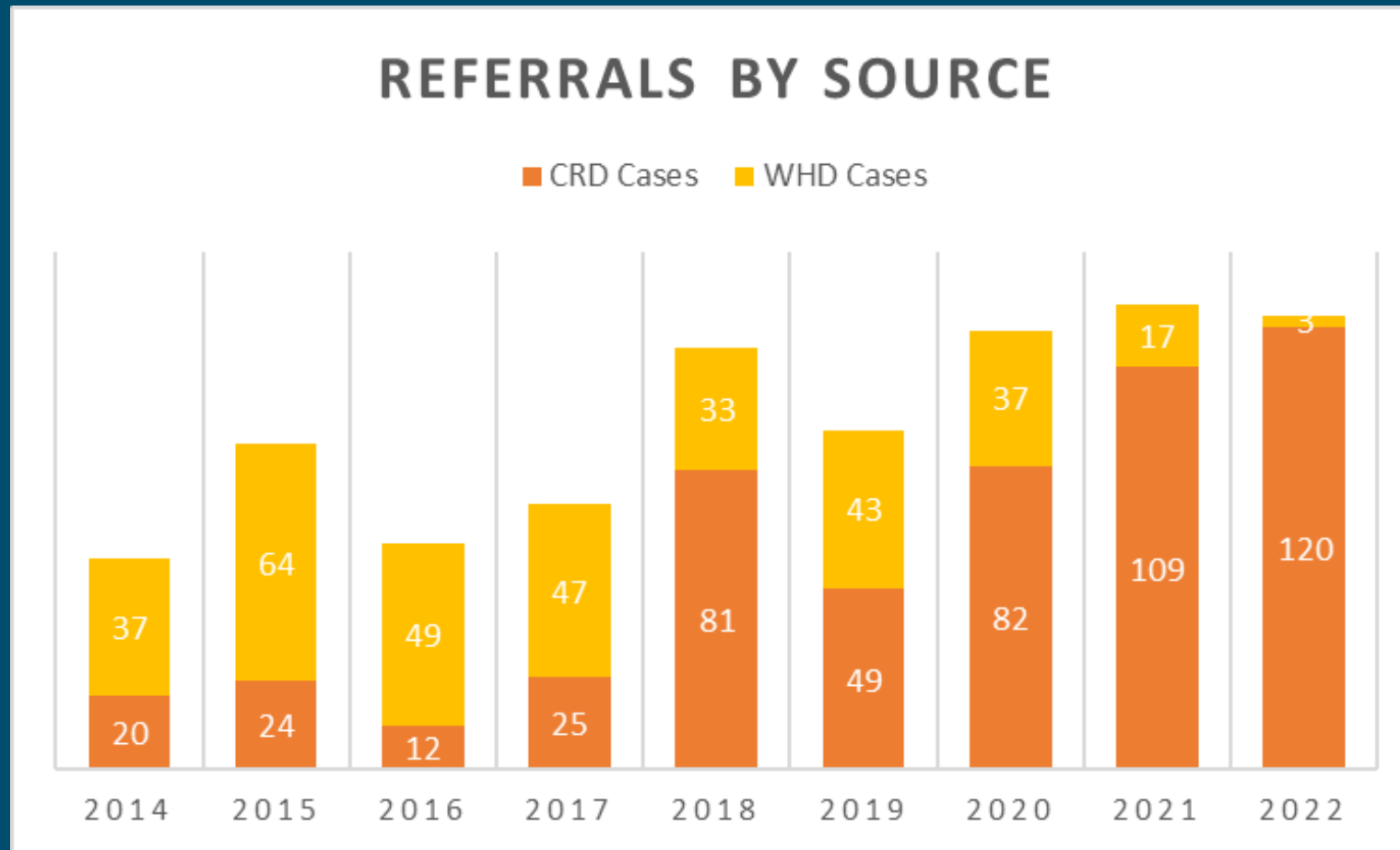


CRD Cases Referred for Prosecution

CRD cases referred to
Administrative Prosecution
Unit 2021-2022



Referred Cases by Division



Civil Rights Investigations

- Received 5,000 questionnaires in FY23 (doubled in the last 4 years)
- Intake backlog: ~1300 questionnaires waiting for assignment to staff for jurisdictional review and drafting complaint
 - Wait time for a complaint to be drafted: ~ 5 months
 - Time from signed complaint received to case opened: ~1 month
- **Most cases will begin investigation after six months and BOLI has one year to investigate**
 - ***BOLI investigation creates a shorter statute of limitations**



Civil Rights Investigations

- Current cases in investigation: approximately 980 (down from 1200 in March)
 - Average length of investigation: 206 days (down from 232 in March)

Capacity:

- Hours needed for full investigation per case: 40+
- Yearly full investigation ability per investigator: 51
- Yearly cases assigned per investigator: ~95



Looking Forward

- Currently, we cannot investigate all claims. We need:
 - Additional administrative support, particularly as the anticipated timeline for technological upgrades is four years.
 - Additional investigators for drafting and investigating complaints.
 - Reclassifying positions for which recruitment and retention is the most difficult, as turnover creates myriad inefficiencies.
 - An additional mediator so that mediations can be done prior to the investigation, instead of just during or after the investigation.
 - Website upgrades to allow for more “self-help” for the 44,000+ inquires per year.



Wage and Hour Division



Laws Enforced by BOLI Wage and Hour Division

ORS 652.020	Enforce maximum working hours and overtime pay in mills, factories, or manufacturing establishments
ORS 652.414	Pay qualified workers from Wage Security Fund
ORS 652.330; 653.040	Investigate wage claims
ORS 653.040; 653.077	Enforce working conditions regulations
ORS 653.307	Issue Employment Certificates and permits to employers of minors
ORS 653.403	Investigate reports of child labor law violations
ORS 653.480	Enforce predictive scheduling requirements
ORS 653.565	Proactive investigation to ensure compliance with regulations
ORS 653.651	Enforce sick time requirements
ORS 658.405 - 658.511	Licensing of labor contractors and enforcement of the Oregon Contractor Registration Act
ORS 279C.815	Publish prevailing wage rates
ORS 279C.817	Issue PWR project coverage determinations
ORS 279C.850	Investigate PWR violation allegations



Wage and Hour by the Numbers (21-22)

3,180

Number of wage claims
received last FY

73% Increase

1,687

Number of wage claims
investigated/resolved
last FY

3% Increase

\$695,280

Back Wages Collected

63 Days

Average number of days
from claim filed to Notice
of Claim issued

18 Days

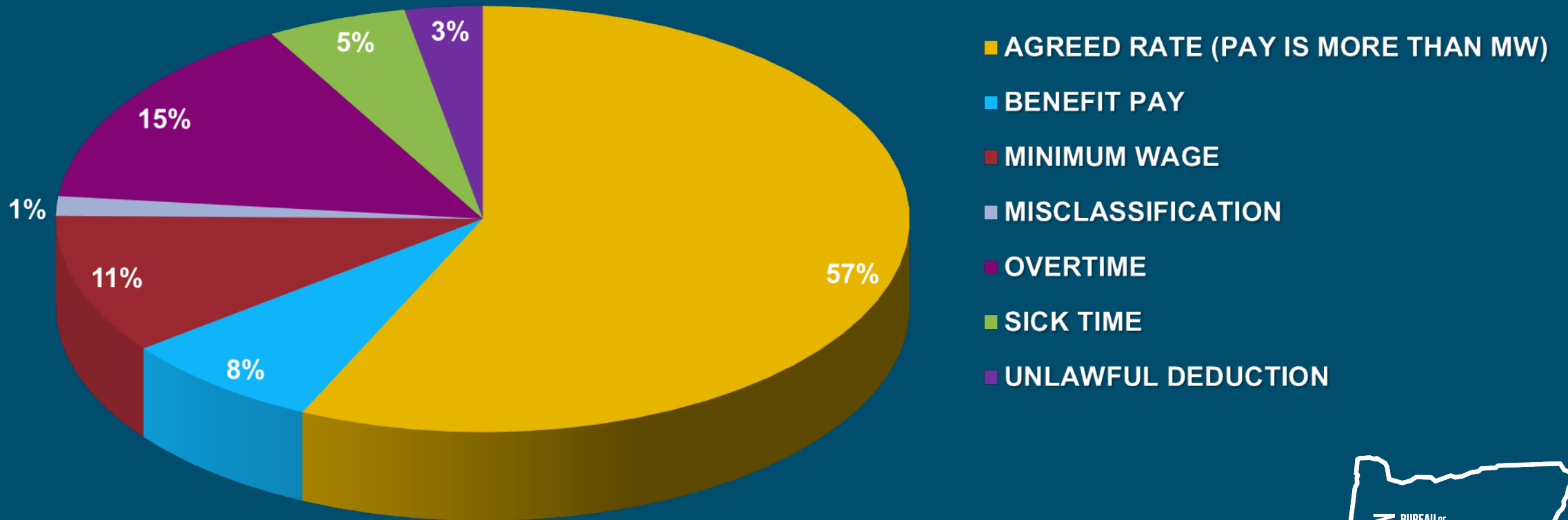
Average number of days
from Notice of Claim
sent to assignment to
investigator

101 Days

Average length of wage
claim investigation



Types of Claims Filed



Prevailing Wage by the Numbers (21-22)

146

Number of PWR
investigations
completed

319

Number of Affected
Workers

\$488,020

Back Wages Collected

60 Days

Average number of days
to issue a PWR
Predetermination

369 Days

Average length of a PWR
investigation



Looking Forward

At the current staff level, we cannot take all cases. We need:

- Additional administrative support, particularly as the anticipated timeline for technological upgrades is four years.
- Additional investigators for investigating claims.
- Reclassifying positions for which recruitment and retention is the most difficult, as turnover creates myriad inefficiencies and significant delays to Oregonians.
- Reclassifying positions to allow the division to better triage incoming wage claims and conduct some of the initial investigation of the claim prior to assignment to an investigator.
- An administrative law judge to provide timely orders related to wage and hour investigations and PWR coverage determination decisions.
- The legislature to invest in BOLI when changes are made to prevailing wage that require staff time to ensure adequate education, compliance, and enforcement.



Employer Assistance



Resourcing Oregon Employers

Direct Contact

Publications

Trainings



Publications



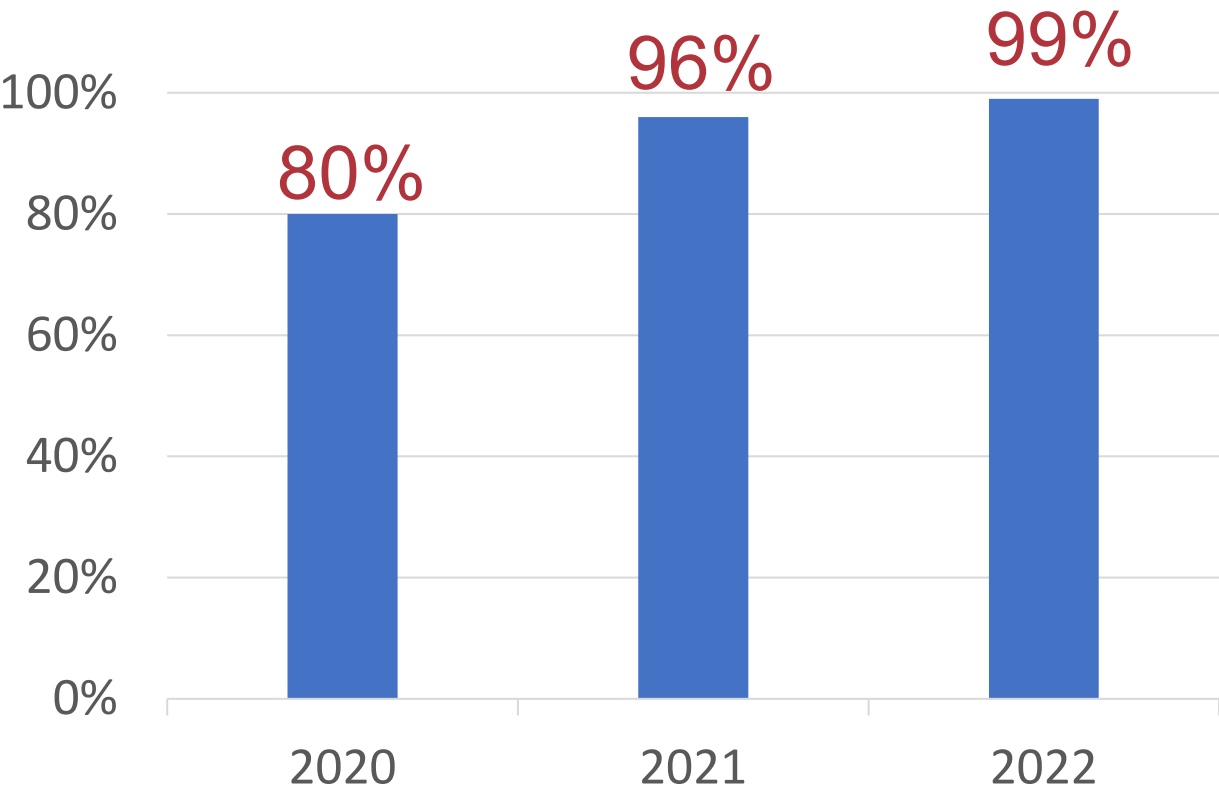
Public seminars & Direct to business trainings

- Calendar of training events
- Contracted events for direct to business training & consultation
- Annual employment law conference



Direct Contact – Response Time

KPM 95%



Recent Additions

- Checklist for New Employers
- Disability Toolkit
- Advice Letters
- Advisory Council



Keep an eye on your headcount.

As your employee count goes up, so too will the number of employment laws that apply to your business. The following table highlights some of the primary requirements to keep on your radar.

Employees	Applicable Requirements
One or more	Requirements on regular paydays, final pay, minimum wage, overtime and working conditions requirements like rest and meal periods generally apply to all employers.
One or more	Oregon anti-discrimination and harassment provisions prohibit employment decisions based on protected classes like age, race, religion and sex (including sexual orientation and gender).
One or more	Reasonable safety accommodations for victims of domestic violence, harassment, sexual assault or stalking (and coming January 1, 2024: bias crimes).
One or more	Oregon employers must provide reasonable rest periods to express breast milk for a child up to 18 months of age. Employers must also make reasonable efforts to provide an appropriate location to express milk in private. That means a place other than a public restroom or toilet stall, close to the employee's workstation concealed from view and without intrusion. (Employers with 10 or fewer employees may assert an undue hardship exemption.)
One or more	Paid Leave Oregon provides wage replacement benefits and job protected time for medical leave, family leave and safe leave.
One or more	Protected sick leave . The time is unpaid unless an employer has six or more employees anywhere in Oregon and a Portland establishment (or 10 or more anywhere in the state).
Six or more	Paid protected sick leave is required for employers with an establishment in Portland and six or more employees.
Six or more	Disability Accommodations – employers have an obligation to engage in an interactive process to identify reasonable accommodations to allow an employee with a disability to perform the essential functions of their position. Check our accommodations tool kit online .



Looking Forward

- PFML did not receive extra staff; however, we have increased advice and training responsibilities – additional programs need additional support
- We strongly believe that providing information, particularly to the 68% of Oregon employers that have less than 25 employees, will help us prevent complaints.
- We need at least one position dedicated to inter-agency efficiencies. For example, working with the Secretary of State to develop a process to make it easier for businesses to opt-in to BOLI's employer assistance.



Concluding Thoughts

- Workforce shortage – apprenticeships are a proven tool to upskill workers
- Structural workforce shortage requires defining and prioritizing:
 - Good Jobs: Pay, EEO, Working Conditions
 - Strategic Sectors: Climate Resilience, Housing, Food, Infrastructure, Education
- So many agencies touching workers and employers creates challenges for compliance, enforcement, and workforce development



Questions?





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