

HB 2248 -1 STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

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Meeting Dates: 2/26

WHAT THE MEASURE DOES:

Requires Bureau of Labor and Industries (BOLI) to study matters relating to laws over which BOLI has enforcement authority. Requires BOLI to report to Legislative Assembly.

Fiscal impact: (info)

Revenue impact: (info)

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Establishes Employer Assistance Division (EAD) within Bureau of Labor and Industries (BOLI).

Detailed Summary:

Establishes Employer Assistance Division (EAD) within Bureau of Labor and Industries (BOLI). EAD provides education, training, and interpretive guidance, including advisory opinions, to employers to assist employers in complying with laws that are enforced by BOLI. Appropriates \$981,684 General Fund to BOLI for EAD.

Discussion communications made in course of or in connection with discussion between employer and EAD are confidential. Discussion communications may be disclosed and admitted as evidence in subsequent adjudicatory proceeding conducted by BOLI when offered by employer who participated in discussion to show that employer acted in good faith and in reliance on communications. BOLI may not impose civil penalty on employer for any good faith action taken in reliance on discussion communications in which employer has participated.

Employer must provide evidence that proves:

- discussion communications applied same law that was in effect at time that employer took good faith actions; and
- discussion communications involved same or substantially similar facts such that it was reasonable for employer to have relied on discussion communications in taking good faith actions.

EAD can issue and publish advisory opinions. Advisory opinions may be issued upon request of any person, or at EADs own discretion, issue and publish, on BOLI's website.

BOLI may enter into settlement with respect to any violation of provision of law over which BOLI has jurisdiction. Commissioner may take steps to settle matter through conference, mediation, conciliation, persuasion, or other alternative dispute resolution processes, to otherwise carry out duties of commissioner.

Communications and settlement discussions held through BOLI's alternative dispute resolution processes are confidential.

Takes effect on 91st day following adjournment sine die.

BACKGROUND:

House Bill 2248 is a measure available to address matters related to the Bureau of Labor and Industries (BOLI).