Chapter 658

1965 REPLACEMENT PART

Employment Agencies and Contractors; Occupational Counseling and Training

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EMPLOYMENT AGENCIES

658.005 Definitions for ORS 658.005 to 658.245. As used in ORS 658.005 to 658.245, unless the context requires otherwise:

(1) "Applicant" means an individual who proposes actively to engage in the operation of an employment agency and who is applying for a license under ORS 658.005 to 658.245, except as provided in subsection (2) of ORS 658.035.

(2) "Charge for services" means:

(a) Any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by an employment agency.

(b) Any money received by any employment agency in excess of what has been paid out by it for transportation, transfer of baggage or board and lodging.

(c) The difference between the amount of money received by any employment agency which has furnished employes, performers or entertainers for circus, vaudeville, theatrical or other similar entertainments, exhibitions or performances, and the amount paid by the employment agency to such employe, performer or entertainer.

(d) The difference between the amount of money received or to be received by any employment agency which furnishes farm laborers to others for a valuable consideration and the amount paid by the employment agency to the farm laborers.

(3) "Employment agency" includes:

(a) The business of conducting an office or type of agency which procures, offers, promises or attempts to procure employment for others, or which provides for the registration of persons seeking to procure or retain employment, or which participates in the giving of information regarding where and from whom employment may be secured, if a charge for service is exacted, directly or indirectly.

(b) Any person, bureau, organization or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment.

(4) "Labor Commissioner" means the Commissioner of the Bureau of Labor.

(5) "Licensee" means a natural person licensed under ORS 658.005 to 658.245, except as provided in subsection (3) of ORS 658.025.

[1953 c.694 §1; 1959 c.395 §15; 1961 c.380 §1]

658.010 [Repealed by 1953 c.694 §30]

658.015 Exemptions from ORS 658.005 to 658.245. (1) ORS 658.005 to 658.245 do not apply to farm labor contractors subject to ORS 658.405 to 658.455, nor to any nonprofit organization or corporation, organized for the purpose of economic adjustment, civic betterment, or for giving vocational guidance and placement to its members, if both of the following requirements are met:

(a) None of its directors, officers or employes are deriving any profit beyond a reasonable salary for services performed on its behalf.

(b) Membership dues and fees are used solely for the maintenance of the organization or corporation.

(2) As used in this section:

(a) "Civic betterment" means the promotion of the common good and general welfare of the people of this state or any political subdivision therein.

(b) "Economic adjustment" means the promotion of a program by which individuals are helped to acquire new vocational skills, add to their existing vocational skills or change their vocations.

[1953 c.694 §25; 1959 c.395 §16; 1961 c.380 §2]

658.020 [Repealed by 1953 c.694 §30]

658.025 Operation of employment agency without license prohibited; posting license; corporations and partnerships. (1) Except as provided in subsection (2) of this section, no person shall establish or maintain an employment agency without a valid license. The license shall be posted conspicuously in the principal office of the employment agency, and a copy of the license shall be posted conspicuously in each branch office of the employment agency.

(2) Nothing in ORS 658.005 to 658.245 requires a bona fide employe of an employment agency, who has no financial interest in the agency other than his salary or commission, to obtain a license.

(3) One or more licensees, lawfully organized as a corporation or partnership or lawfully operating under an assumed name, may be licensed to conduct an employment agency as corporation or partnership or under an assumed name. If the licensee conducts his business through a corporate entity, a majority of the stock of the corporation must be owned by the licensee.

[1953 c.694 §2; 1961 c.380 §3]

658.030 [Repealed by 1953 c.694 §30]

658.035 Application for license. (1) Applications for licenses to maintain an employment agency shall be made to the Labor Commissioner on forms prepared for that purpose and furnished by the Labor Commissioner, and shall contain the following information:

(a) The business name of the employment agency and the address of the applicant.

(b) The address of each place where the business of the employment agency is to be conducted.

(c) The business or occupation of the applicant for the two years immediately preceding the date of application, and such other information as the Labor Commissioner finds necessary to establish the moral character and responsibility of the applicant and the manner in which he proposes to conduct an employment agency.

(d) The names and addresses of all persons, except bona fide employes on regular salaries or commissions, who are financially interested in the operation of the employment agency to be licensed, together with the amount of their respective financial interests.

(2) One or more applicants or licensees, lawfully organized as a corporation or partnership or lawfully operating under an assumed name, may apply for a license under this section to conduct an employment agency as a corporation or partnership or under an assumed name.

[1953 c.694 §3; 1961 c.380 §4]

658.040 [Repealed by 1953 c.694 §30]

658.045 Citizenship and character of applicant. Each applicant for a license shall be a citizen of the United States and of good moral character and responsibility.

[1953 c.694 §4; 1961 c.380 §5]

658.050 Repealed by 1953 c.694 §30]

658.055 Investigation of applicant and place of business. (1) Upon receipt of an application for a license, the Labor Commissioner shall cause an investigation to be made concerning:

(a) The matters stated in the application.

(b) The moral character and responsibility of each applicant.

(c) The suitability of all premises designated in the application as places where the business of the employment agency is to be conducted.

(d) The applicant's knowledge of the provisions of ORS 658.005 to 658.245.

(2) Each applicant is considered to have authorized the Labor Commissioner to investigate his police record and credit reputation. In conducting the investigation, the Labor Commissioner may utilize the services of a private credit reporting organization.

[1953 c.694 §5; 1961 c.380 §6]

658.060 [Repealed by 1953 c.694 §30]

658.065 License not to be granted for certain locations or persons; action on application to be taken within 30 days. (1) No license shall be granted if any place where the business of the employment agency is to be conducted is maintained:

(a) In rooms also used for living or sleeping quarters or in other rooms connected thereto by an entrance.

(b) Where boarders or lodgers are kept.

(c) Where meals are served.

(d) Where intoxicating liquors are sold or consumed.

(e) In connection with pool rooms or soft drink parlors.

(f) By a person whose license has been revoked within three years preceding the date of application.

(2) Licenses shall be granted or refused within 30 days after the date of filing application.

[1953 c.694 §6; 1961 c.380 §7]

658.070 [Repealed by 1953 c.694 §30]

658.075 Applicant to file bond. (1) Before a license is issued or renewed for any employment agency, each applicant shall file with the Labor Commissioner his surety bond of $1,000, payable to the people of the State of Oregon, conditioned that the applicant will comply with ORS 658.005 to 658.245 and will pay:

(a) All sums legally owing to any person when the employment agency or its agents have received such sums; and

(b) All damages occasioned to any person by reason of any wilful misrepresentation, fraud, deceit or other unlawful act or omission by the employment agency, or its agents or employes acting within the scope of their employment.

(2) For the purposes of this section, each general partner shall furnish the required bond. When a corporation is operated by a licensee, the bond shall be in the name of the licensee and the corporation.

[1953 c.694 §7; 1961 c.380 §8]

658.078 Licensees to keep records; inspection of records. Each person licensed to

operate an employment agency shall keep accurate and current records of the business transactions of the agency, and shall maintain records separate from records of any other business conducted by that person. The Labor Commissioner or his representative may at any reasonable time inspect the records of the employment agency pertaining to placements, and need not give notice before such inspection.
[1961 c.380 §20]

658.080 [Repealed by 1953 c.694 §30]

658.085 License fees. (1) Every applicant for issuance or renewal of a license for an employment agency shall also pay to the Labor Commissioner an annual license fee in accordance with the size of the city or town, according to the latest census of the United States, in which the principal place of business of the employment agency is located, as follows:

Population of City or Town	License Fee
Over 100,000	$100
50,000 to 100,000	$ 50
Under 50,000	$ 25

(2) Fees for new licenses shall be prorated on the basis of one-twelfth of the amount provided in this section multiplied by the number of months remaining in the calendar year.

(3) All license fees received pursuant to this section shall be credited to the Bureau of Labor Account and shall be used only for the administration of ORS 658.005 to 658.245.
[1953 c.694 §8; 1957 c.465 §12]

658.090 [Repealed by 1953 c.694 §30]

658.095 Expiration of license; renewal. (1) Licenses shall expire on December 31 of each year, unless sooner revoked.

(2) Applications for renewal shall be made before January 1 of each year by filing a renewal application, posting a new bond and paying the license fees. Applications for renewal need contain only the matters listed in paragraphs (a), (b) and (d) of subsection (1) of ORS 658.035.
[1953 c.694 §9; 1961 c.380 §9]

658.100 [Repealed by 1953 c.694 §30]

658.105 Licenses limited to agency and place for which issued; amending licenses. (1) Except as provided in subsection (2) of this section, licenses under ORS 658.005 to 658.245 are not transferable and apply only to the employment agency for which they are issued at the places stated in the application.

(2) If an employment agency proposes to change the place where its business is conducted, or proposes to conduct its business in an additional place, it shall give the Labor Commissioner written notification 10 days in advance and pay a fee of $10 for each change or additional place. Within 30 days after receiving notification, the Labor Commissioner shall conduct an investigation and issue an amendment to the existing license for the employment agency showing the new addresses, if he finds that the employment agency still complies with ORS 658.065.
[1953 c.694 §10; 1961 c.380 §10]

658.110 [Repealed by 1953 c.694 §30]

658.115 Suspension or revocation of licenses. Subject to ORS 183.430, the Labor Commissioner shall revoke or suspend any license issued under ORS 658.005 to 658.245 whenever it appears to the commissioner that if the licensee were then applying for a license his application should be denied under ORS 658.035 to 658.065, or whenever the licensee has violated any provision of ORS 658.005 to 658.245.
[1961 c.380 §11]

658.120 [Repealed by 1953 c.694 §30]

658.125 Judicial review of order of Labor Commissioner refusing to issue or renew or revoking or suspending a license. (1) A person aggrieved by an order of the Labor Commissioner refusing to issue or renew a license or revoking or suspending a license may obtain judicial review thereof in accordance with ORS 183.480.

(2) Either party may appeal from judgment of the circuit court to the Supreme Court in the manner prescribed by ORS 183.500.
[1953 c.694 §12; 1961 c.380 §12]

658.130 [Repealed by 1953 c.694 §30]

658.135 Notice to commissioner before transfer of right to participate in profits of agency. No licensee shall sell, transfer or give away any interest in or the right to participate in the profits of the employment agency without giving notice to the Labor Commissioner.
[1953 c.694 §13]

658.140 [Repealed by 1953 c.694 §30]

658.145 Filing schedule of charges with commissioner; effective date of schedule changes. (1) Every employment agency shall file with the Labor Commissioner a schedule of charges for service to be collected in the conduct of its business. In the schedule, the various employments shall be classified according to the nature of the work, and in each classification the maximum fee shall be fixed and shall include the charges for services of every kind rendered by the agency in each case or transaction on behalf of the prospective employer and a prospective employe.

(2) Changes in the schedule may be made by filing a revised schedule with the Labor Commissioner and by posting a copy thereof in a conspicuous position in each room of the employment agency frequented by individuals seeking help or employment. However, no change shall become effective until 14 days after the date of filing thereof with the Labor Commissioner or until seven days after being posted in the agency, whichever is later.
[1953 c.694 §14; 1961 c.380 §13]

658.150 [Repealed by 1953 c.694 §30]

658.155 Posting schedule of charges at agency; charge in excess of schedule prohibited. (1) A copy of the schedule of charges for service in effect with the changes noted thereon shall be kept posted in each room of the employment agency frequented by individuals seeking help or employment. The posted schedule and the changes therein shall be in lettering or printing of not less than 12-point type. The date of the taking effect of the schedule and of each change therein shall appear on the posted copies, and a certificate thereof shall be procured from the Labor Commissioner and kept posted in a conspicuous place in the offices of the employment agency.

(2) No charge for service to be collected shall be in excess of the schedule in force at the time of issuing of the contract for employment.
[1953 c.694 §15; 1961 c.380 §14]

658.160 [Repealed by 1953 c.694 §30]

658.165 Order necessary before referral or charge to be made. No employment agency shall accept a charge for service from an individual seeking employment or refer an individual to an employer without having obtained, orally or in writing, a bona fide order from an employer seeking help which is to be answered by the individual.
[1953 c.694 §16; 1961 c.380 §15]

658.170 [Repealed by 1953 c.694 §30]

658.175 [Repealed by 1961 c.380 §16 (ORS 658.176 enacted in lieu of ORS 658.175)]

658.176 Employment necessary before charge to be made. No fee or charge may be required or accepted from an individual seeking employment prior to the time such individual obtains employment.
[1961 c.380 §17 (enacted in lieu of ORS 658.175)]

658.180 [Repealed by 1953 c.694 §30]

658.185 Returning part of charge when employment lasts less than 14 days. (1) If an individual is employed through the service of an employment agency and the employment lasts less than 14 working days, the employment agency shall return to the individual that part of the charge for service paid to the agency by the individual which exceeds 10 percent of the amount earned by the individual from the employment.

(2) For the purpose of this section, "amount earned" means the gross income of the individual as defined by ORS 316.105 and 316.110.
[1953 c.694 §18; 1961 c.380 §18]

658.195 Giving false information or making false representations; advertisements. (1) No employment agency shall knowingly publish or cause to be published any false, fraudulent or misleading information, representation, notice or advertisement.

(2) All advertisements of an employment agency by means of cards, circulars or signs, and in newspapers and other publications, and all letterheads, receipts and blanks shall contain the name and address of the office of the employment agency as they appear on its license.

(3) No employment agency shall knowingly give any false information or make any false promises or representations concerning an engagement or employment to any person who registers or applies for employment or help.
[1953 c.694 §19; 1961 c.380 §21]

658.205 Sending persons to illegally operated businesses prohibited. No employment agency shall send or cause to be sent any person as an employe to any illegally operated business the character of which the agency could have ascertained upon reasonable inquiry.
[1953 c.694 §20]

658.215 Sending minors to places where intoxicating liquors consumed. No employment agency shall refer any individual who is under the age of 21 years, for employment, to any place where intoxicating liquors are to be consumed on the premises.
[1953 c.694 §21; 1961 c.380 §22]

658.225 Sending persons to place where labor dispute exists. No employment agency shall refer an individual seeking employment to any place where a strike, lockout or other labor dispute exists if it has knowledge or reasonably should have knowledge of the same, without notifying the individual of such conditions. The agency shall in addition thereto make a written statement of such facts and give a copy to the individual.
[1953 c.694 §22; 1961 c.380 §23]

658.235 Division of charges with other persons. No employment agency shall divide charges for services with an employer, agent or employe of an employer or person to whom individuals are referred for employment.
[1953 c.694 §23; 1961 c.380 §24]

658.245 Actions upon bonds of licensees. Actions against any employment agency may be brought in the name of the person damaged upon one or more of the bonds deposited with the application for issuance or renewal of the license for that agency according to ORS 658.075 and may be transferred and assigned as other claims for damages. The amount of damages claimed by the plaintiff determines the jurisdiction of the court in which action is to be brought.
[1953 c.694 §24; 1961 c.380 §25]

658.250 to 658.400 [Reserved for expansion]

FARM LABOR CONTRACTORS

658.405 Definitions for ORS 658.405 to 658.455. As used in ORS 658.405 to 658.455 and subsections (2) and (3) of ORS 658.991, unless the context requires otherwise:

(1) "Farm labor contractor" means any person who, for an agreed remuneration or rate of pay, recruits, solicits, supplies or employs workers to perform farm labor for another in connection with the production or harvesting of farm products; or who recruits, solicits, supplies or employs workers on behalf of an employer engaged in the growing, production or harvesting of farm products; or who, in connection with the recruitment or employment of farm labor, furnishes board or lodging for workers. However, "farm labor contractor" does not include:

(a) Farmers, their permanent employes, advertising media, platoon leaders or individuals engaged in the solicitation or recruitment of persons for dayhaul work on a farm or in connection with the growing, production or harvesting of farm products;

(b) The Oregon State Employment Service; or

(c) A crew leader.

(2) "Crew leader" means the member of a group of farm workers who (a) acts as spokesman for the group, (b) travels with the group from another state into Oregon, (c) performs agricultural work along with other group members. He may also gather the group of workers in his home state, help to transport them to Oregon and do supervising or other duties for the farmer so long as he receives no extra compensation from other group members for such duties or services, and so long as the employer pays the members of the group directly and individually for their labor. A crew leader may transport workers from their local place of residence to their place of employment so long as he does not perform this service for a profit.

(3) "Labor Commissioner" means the Commissioner of the Bureau of Labor.
[1959 c.395 §1; 1961 c.390 §1]

658.410 Farm labor contractors must have license. Except as provided by ORS 658.425, no person shall act as a farm labor contractor without a valid license in his possession issued to him by the Labor Commissioner. The Bureau of Labor shall make rules for the issuance of duplicate licenses in the event of the loss or destruction of original licenses.
[1959 c.395 §2; 1961 c.390 §2]

658.415 Application for farm labor contractor's license; proof of insurance. (1) Any person may file an application for a license to act as a farm labor contractor at any office of the Oregon State Employment Service. The application shall be sworn to by the applicant and shall be written on a form prescribed by the Labor Commissioner. The form shall include, but not be limited to, questions asking:

(a) The applicant's name and address.

(b) Information on all motor vehicles to be used by the applicant in his operations as a farm labor contractor.

(c) Whether or not the applicant was denied a license under ORS 658.405 to 658.455 within the preceding three years, or had such a license revoked or suspended within the preceding three years.

(d) The names and addresses of all persons financially interested, whether as partners, shareholders, associates or profit-sharers, in the applicant's proposed operations as a farm labor contractor, together with the amount of their respective interests, and whether or not, to the best of the applicant's knowledge, any of these persons was denied a license under ORS 658.405 to 658.455 within the preceding three years, or had such a license revoked or suspended within the preceding three years.

(2) Each applicant shall furnish a sworn written statement, providing any information required by the Labor Commissioner relating to the applicant's character, competence, responsibility and the manner and method by which he proposes to conduct his operations as a farm labor contractor if he is licensed.

(3) Each applicant shall furnish satisfactory proof with his application of the existence of a policy of insurance in an amount adequate under rules issued by the Bureau of Labor for vehicles to be used to transport workers.

(4) The office of the Oregon State Employment Service in which an application is filed under this section shall immediately forward the application form and accompanying statements to the Labor Commissioner if satisfactory evidence of adequate insurance has been furnished under subsection (3) of this section and if the applicant has paid in advance a fee of $10. The certificate of an insurance agent licensed in Oregon is satisfactory evidence of adequate insurance.
[1959 c.395 §§3, 4; 1961 c.390 §3]

658.420 Investigation of applicant; issuance of license; protest against issuance of license. (1) The Labor Commissioner shall conduct an investigation of each applicant's character, competence and reliability, and of any other matter relating to the manner and method by which he proposes to conduct and has conducted his operations as a farm labor contractor.

(2) The Labor Commissioner shall issue a license within 15 days after the day on which the application therefor was received in his office if he is satisfied as to the applicant's character, competence and reliability.

(3) Any individual may protest the issuance of a license to any applicant at any time, and the Labor Commissioner shall give the individual an opportunity to state the reasons for his objection.
[1959 c.395 §5]

658.425 Temporary permit pending issuance of license. (1) The office of the Oregon State Employment Service in which an application is filed shall issue to the applicant a temporary permit valid for not more than 15 days, if the following conditions are satisfied:

(a) The application is complete on its face.

(b) The applicant has furnished satisfactory evidence of adequate insurance under rules issued by the Bureau of Labor.

(c) The applicant has paid in advance the fee of $10 required by subsection (4) of ORS 658.415.

(d) The applicant has not been denied a license under ORS 658.405 to 658.455 within the preceding three years, nor has had such a license revoked or suspended within the preceding three years, as appears of record with the Labor Commissioner.

(2) The office that issued a temporary permit to an applicant may renew it for one additional period not to exceed five days if the Labor Commissioner neither approves nor rejects the applicant's application within 15 days after the application was filed. However, any temporary permit expires immediately if the Labor Commissioner rejects the application of the person holding that permit.

(3) For the purposes of paragraphs (c) and (d) of subsection (1) of ORS 658.415 and paragraph (d) of subsection (1) of this section, the refusal by the Labor Commissioner to renew a license shall be considered as the revocation of that license on the date of its expiration.
[1959 c.395 §6; 1961 c.390 §4]

658.430 Form of license. Each license shall bear on its face such information as is prescribed by rules of the Bureau of Labor, including but not limited to:

(1) The name and address of the licensee and a statement that the license is not valid after the expiration date.

(2) The number, date of issuance and expiration date of the license.

(3) A statement that the license shall not be transferred or assigned.
[1959 c.395 §8]

658.435 Expiration and renewal of licenses. (1) Each license expires on December 31 following the date of its issuance, unless sooner revoked by the Labor Commissioner.

(2) A license shall be renewed each year upon payment in advance of a fee of $10, but the Labor Commissioner may require any person seeking renewal to file a new application under subsections (1), (2) and (3) of ORS 658.415 and may conduct a new investigation of the applicant's character, competence and reliability, and of any other matter relating to the manner by which he proposes to conduct and has conducted his operations as a farm labor contractor.
[1959 c.395 §7]

658.440 Duties of farm labor contractors. (1) Each person licensed to act as a farm labor contractor shall:

(a) Carry his license with him at all times and exhibit it upon request to any person with whom he intends to deal in his capacity as a farm labor contractor.

(b) File immediately at the United States postoffice serving his address, as noted on the face of his license, a correct change of address if he permanently changes his address, and notify the Labor Commissioner each time he changes his address.

(c) Pay or distribute promptly, when due, to the individuals entitled thereto all money or other things of value entrusted to him by any person for that purpose.

(d) Comply with the terms and provisions of all legal and valid agreements or contracts he has entered into in his capacity as a farm labor contractor.

(e) File at an office of the Oregon State Employment Service information relating to work agreements with farmers and workers or changes in the circumstances under which the license was issued.

(2) No person licensed to act as a farm labor contractor, or applying for a license to act as a farm labor contractor, shall:

(a) Make any misrepresentation, false statement or wilful concealment in his application for a license.

(b) Wilfully make or cause to be made to any person any false, fraudulent or misleading representation, or publish or circulate any false, fraudulent or misleading information concerning the terms, condition or existence of employment at any place or by any person.

(c) Have been convicted of any felony in this state.

(d) Solicit or induce, or cause to be solicited or induced, the violation of an existing contract of employment.
[1959 c.395 §§9, 10; 1961 c.390 §5]

658.445 Revocation, suspension or refusal to renew license. The Labor Commissioner may revoke, suspend or refuse to renew a license to act as a labor contractor upon his own motion or upon complaint by any individual, if:

(1) The licensee or his agent has violated or failed to comply with any provision of ORS 658.405 to 658.455 and subsections (2) and (3) of ORS 658.991; or

(2) The conditions under which the license was issued have changed or no longer exist; or

(3) The licensee's character, reliability or competence makes him unfit to act as a farm labor contractor.
[1959 c.395 §11]

658.450 Applicability of Administrative Procedures Act. (1) All proceedings relating to the issuance, revocation, suspension, renewal or refusal to renew a license to act as a farm labor contractor shall be conducted under ORS 183.310 to 183.510.

(2) All rules of the Bureau of Labor under ORS 658.405 to 658.455 shall be issued in compliance with ORS 183.310 to 183.510.
[1959 c.395 §12]

658.455 Disposition of moneys received; paying costs of administration. (1) All fees and other money received by the Labor Commissioner under ORS 658.405 to 658.455 shall be placed in the General Fund.

(2) The Bureau of Labor shall advance funds to the Department of Employment Commissioner in an amount sufficient to cover the cost of the administration of any of the provisions of ORS 658.405 to 658.455, in accordance with reasonable estimates thereof as determined by the Oregon State Employment Service. In the event that funds have been advanced in excess of the actual cost incurred by the Department of Employment Commissioner, such excess shall be returned to the Bureau of Labor without interest and as soon as practicable.
[1959 c.395 13]

658.460 to 658.500 [Reserved for expansion]

OCCUPATIONAL COUNSELING AND TRAINING

658.505 Policy; acceptance of Manpower Development and Training Act. The Legislative Assembly finds that the skills of many persons have been rendered substantially obsolete by dislocations in the economy arising from automation or other technological developments; that government leadership is necessary to insure that the benefits of such technological developments do not become burdens of widespread unemployment; that improved planning and expanded efforts will be required to assure that such people will be trained and available to meet shifting employment needs. The Legislative Assembly further finds that many individuals currently unemployed or underemployed and many youths lacking occupational skills may become qualified for reemployment or full employment by acquisition of skills which are or will be in demand in the labor market through extended programs of vocational and technical training of all types, including those available through on-the-job training at the employer's premises. Further, the Legislative Assembly finds that many individuals need assistance in acquiring such needed skills in order to avoid persistent unemployment or underemployment. It is, therefore, the intent of the Legislative Assembly to accept the provisions of the Manpower Development and Training Act of 1962 (United States Public Law 87-415), as amended, relating to vocational and technical training in so far as the training and benefits available thereunder are consistent with ORS 658.505 to 658.555.
[1965 c.612 §1]

658.515 Duties of Department of Employment. The Department of Employment shall:

(1) Conduct research, skill surveys and other investigations which seek to identify current and prospective labor shortages and which seek to identify individuals who can be trained to fill such shortages.

(2) Provide counseling on vocational and technical training and on occupational choices to all individuals applying for or receiving training under ORS 658.505 to 658.555, utilizing agency testing facilities, skill surveys and any other information available.

(3) Develop policies for the adequate vocational and technical training of individuals in need of such training in order to avoid persistent unemployment or underemployment whether caused by automation, technological progress or otherwise.
[1965 c.612 §2]

658.525 Referring persons for training; consulting with employers and others. (1) The Department of Employment shall refer for training individuals:

(a) Whose expectancy of future employment is substantially diminished due to technological change or who have a need for vocational or technical training, indicated, at least in part, by a record of persistent unemployment or underemployment or by their youth or lack of occupational training;

(b) Who appear to have the ability to complete the vocational or technical training to which they are referred;

(c) Who can reasonably be expected to obtain employment preferably in Oregon in an occupation experiencing or expected to experience labor shortages as such shortages are indicated by the skill surveys or other suitable research available to the Department of Employment; and

(d) For whom no other individual, public or private vocational or technical training assistance or funds are available.

(2) Priorities in referral for vocational or technical training should be considered in the following order:

(a) Individuals who are unemployed due to technological change or whose expectancy of future employment is substantially diminished due to technological change.

(b) Individuals who without vocational or technical training assistance can reasonably be expected to be persistently unemployed or underemployed.

(3) The duration of any vocational or technical training program to which an individual is referred shall be reasonable and consistent with the occupation for which he is trained.

(4) In addition to the duties under subsection (1) of ORS 658.515, the Department of Employment shall consult with employers, employe organizations and others having relevant information concerning the need or desirability of particular vocational or technical training programs.
[1965 c.612 §3]

658.535 Duties of Department of Education to provide training; employer training programs. The Department of Education shall provide such training as shall be deter-

mined necessary by the Department of Employment Commissioner to meet occupational training needs. Such training may be made available through public educational agencies or institutions or private educational or training institutions, including but not limited to employe or employer organizations when, in the opinion of the Superintendent of Public Instruction, such private educational or training institutions or groups can provide substantially equivalent training at less cost than general public agencies or institutions. Where, however, training of an employe whose expectancy of future employment is substantially diminished or who is likely to be terminated because of technological changes in the employer's operations may reasonably prevent such termination or improve such expectancy such training shall first be made available under ORS 658.505 to 658.555 through a vocational or technical training program conducted by the employer if such program is approved by the Department of Education and if such program can provide equivalent training at substantially equivalent or less cost than public agencies or institutions.
[1965 c.612 §4]

658.545 Vocational and technical training programs not to duplicate apprenticeship programs. Vocational and technical training of types usually received in apprenticeship programs shall not be provided under ORS 658.505 to 658.555 if the Department of Employment finds after consulting with the State Apprenticeship Council and reviewing skill surveys and other available data that a current apprenticeship program is training the number of individuals who can reasonably be expected to be employed in the particular occupation.
[1965 c.612 §5]

658.555 Departments of Employment and Education to participate in programs under Manpower Development and Training Act. (1) Consistent with the provisions of ORS 658.505 to 658.555, the Department of Employment and the Department of Education hereby shall participate in the Manpower Development and Training Act of 1962 (United States Public Law 87-415), as amended, and may adopt rules necessary for the proper and efficient administration of ORS 658.505 to 658.555.

(2) Prior to the adoption, amendment or repeal of any rules under subsection (1) of this section, except general statements of policy, interpretive rules or rules governing the agency's organization or internal procedure, the adopting agency shall, as far as practicable, publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views orally or in writing.
[1965 c.612 §6]

658.560 to 658.985 [Reserved for expansion]

PENALTIES

658.990 [Repealed by 1953 c.694 §30]

658.991 Penalties. (1) Violation of ORS 658.005 to 658.245 is punishable, upon conviction, by a fine of not more than $250 or by imprisonment in the county jail for not more than 60 days, or by both.

(2) Any person who intentionally defaces, alters or changes a license or permit to act as a farm labor contractor, or who uses the license or permit of another or knowingly permits his own license or permit to be used by another, or who acts as a farm labor contractor without a valid license or permit under ORS 658.405 to 658.455, is guilty of a misdemeanor.

(3) Any person who wilfully swears or affirms falsely under subsections (1), (2) or (3) of ORS 658.415 in regard to any matter concerning which an oath or affirmation is required, or who solicits or induces another person to do so, whether or not the matter sworn to or affirmed is material, shall upon conviction be punished by imprisonment in the penitentiary for not more than two years, or by a fine or not more than $5,000, or both.
[1953 c.694 §26; subsections (2) and (3) enacted as 1959 c.395 §14; 1961 c.390 §6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel