

TITLE 51

LABOR AND INDUSTRIAL RELATIONS

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Chapter 651

1967 REPLACEMENT PART

Bureau of Labor

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DEFINITIONS

651.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Bureau" means the Bureau of Labor.

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

BUREAU OF LABOR; LABOR COMMISSIONER

651.020 Bureau of Labor. The Bureau of Labor hereby is established as a separate department in this state.

651.030 Commissioner of Labor; election; term; qualifications. (1) The Bureau of Labor shall be under the control of the Commissioner of the Bureau of Labor which office hereby is created.

(2) Every fourth year at the general election, starting with the year 1930, there shall be elected, as other state officers are elected, a Commissioner of the Bureau of Labor for a term of four years.

(3) The Commissioner of the Bureau of Labor shall be a citizen of this state who has been a resident of this state for over five years.

651.040 Bond of Labor Commissioner.

(1) The Labor Commissioner shall, before entering upon the duties of his office, execute a bond to the state in the sum of \$5,000, conditioned upon the faithful, honest and impartial performance of his duties under ORS 651.030, 651.050, 651.060, 651.120 to 651.150 and 651.170 and upon the prompt and faithful accounting for all fees of any nature collected by him or by his assistants or deputies.

(2) The bond shall be approved by the Attorney General regarding its legal form and be filed in the office of the Secretary of State.

(3) The premium on the bond shall be payable from any fund under the control and administration of the Labor Commissioner or of the Bureau of Labor or from any appropriation made for the purpose of defraying the expenses of the Labor Commissioner or of the Bureau of Labor.

651.050 Duties of Labor Commissioner. The Labor Commissioner shall cause to be enforced:

(1) All laws regulating the employment of children, minors and women.

(2) All laws established for the protection of the health, lives and limbs of operatives in workshops, factories, mills and other places.

(3) All laws enacted for the protection of the working classes.

(4) Laws which declare it to be a misdemeanor on the part of the employers to require as a condition of employment the surrender of any rights of citizenship.

(5) Laws regulating and prescribing the qualifications of persons in trades and handicrafts, and similar laws.

[Amended by 1959 c.406 §31]

651.060 Power to issue subpoenas, administer oaths and take testimony; witness fees.

(1) The Labor Commissioner may issue subpoenas, administer oaths and take testimony in all matters relating to the duties required under ORS 651.030, 651.050, 651.120 to 651.150, 651.170 and subsection (2) of 279.352 and in all contested cases scheduled for hearing by the Bureau of Labor pursuant to ORS 183.420 to 183.470. Such testimony shall be taken in some suitable place in the vicinity to which testimony is applicable.

(2) Witnesses subpoenaed and testifying before any officer of the bureau shall be paid the same fees as witnesses before a circuit court, which payment shall be made from the fund appropriated for the use of the bureau, and in the manner provided in ORS 651.170 for the payment of other expenses of the bureau.

[Amended by 1959 c.627 §8; 1963 c.258 §1]

ADMINISTRATION OF LABOR LAWS GENERALLY; FUNDS AND EXPENDITURES

651.110 Assistance and cooperation in enforcement of Fair Labor Standards Act of 1938. The Bureau of Labor may assist and cooperate with the Wage and Hour and Public Contracts Division of the United States Department of Labor and the Children's Bureau of the Federal Security Agency in the enforcement within this state of the Fair Labor Standards Act of 1938, approved June 25, 1938. Subject to the regulations of the administrator of the Wage and Hour and Public Contracts Division or the chief of the Children's Bureau and the laws of the state applicable to the receipt and expenditure of moneys, the Bureau of Labor may be reimbursed by said division of the United States Department of Labor or said bureau

of the Federal Security Agency for the reasonable cost of such assistance and cooperation. Records of the Bureau of Labor acquired under this section shall be kept in confidence to the same extent the records of said federal agencies are confidential, except that they shall at all times be available to the proper agencies of the United States Government.

Note: Since 1946 the functions of the Children's Bureau under the Fair Labor Standards Act have been exercised by the Wage and Hour and Public Contracts Division.

651.115 Cooperation in conducting on-the-job training and retraining programs; expenditure of funds. (1) The Bureau of Labor is authorized to cooperate with or enter into agreements with appropriate agencies of the Federal Government for the purpose of conducting on-the-job training and retraining programs, whereby:

(a) In performing services incidental to such programs the Commissioner of the Bureau of Labor may make such reports, surveys, and analyses as may be required and comply with all reasonable rules and regulations in connection with such programs.

(b) The Commissioner of the Bureau of Labor may accept and, subject to subsection (2) of this section, may disburse any sums allotted or apportioned to the state for administrative purposes provided by the Federal Government for on-the-job training and retraining programs. The commissioner of the Bureau of Labor shall maintain separate accounting of all sums received from the Federal Government pursuant to this section.

(2) Funds received under subsection (1) of this section shall be expended subject to expenditure limitations imposed on the Bureau of Labor by the Legislative Assembly or, in the absence of such limitations, only after approval of the Legislative Assembly or of the Emergency Board, if approval is required during the interim between sessions of the Legislative Assembly.

(3) In any case where prior approval of the authority to expend any funds available under subsection (1) of this section is imposed as a term or condition to receipt of such funds, the Legislative Assembly or the Emergency Board may approve expenditures of such funds prior to their receipt.

[1963 c.291 §1; 1967 c.56 §1]

651.120 Entry and examination of factories. (1) The Labor Commissioner may:

(a) Enter any factory, mill, office, workshop, or public or private works, at any

reasonable time, for the purpose of gathering facts and statistics such as are contemplated by ORS 651.140.

(b) Examine into the methods of protection from danger to employes, and the sanitary conditions in and around such buildings and places, and make a record thereof.

(2) No owner or occupant of any factory, mill, office, or workshop, or public or private works, or his agents, shall refuse to allow an inspector or employe of the bureau to enter.

651.130 Reports by employers. Every owner, operator or manager of every factory, workshop, mill or other establishment, excepting mines, where labor is employed, shall make to the bureau, upon blanks furnished by it, such reports and returns as the bureau may require, for the purpose of compiling the labor statistics authorized by ORS 651.140. The owner or business manager shall make such reports and returns within the time prescribed therefor by the Labor Commissioner, and shall certify to the correctness of the same.

651.140 Labor statistics; biennial report to legislature. (1) The Labor Commissioner shall collect, assort, arrange and present, in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to:

(a) The departments of labor in this state.

(b) The subject of corporations, strikes or other labor difficulties.

(c) Trade unions and other labor organizations and their effect upon labor and capital.

(d) Such other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions of the laboring classes and the permanent prosperity of the respective industries of the state as the Bureau of Labor may be able to gather.

(2) In the biennial report, the bureau shall also give account of all the proceedings of its officers which have been taken in accordance with ORS 651.030, 651.050, 651.060, 651.120 to 651.150 and 651.170, including a statement of all violations of law which have been observed, and the proceedings under the same, and such remarks, suggestions and recommendations as the Labor Commissioner deems necessary.

(3) The Labor Commissioner shall include in the biennial report to the Governor and the legislature an itemized statement of the expenses of the Bureau of Labor incurred by him.

(4) In the report of the Bureau of Labor no use shall be made of the names of individuals, firms or corporations supplying the information called for by ORS 651.130. Such information is deemed confidential and not for purpose of disclosing personal affairs.

[Amended by 1959 c.627 §9]

651.150 Periodic destruction of records of bureau. At the expiration of two years all records, schedules and papers accumulating in the bureau that may be considered of no value by the Labor Commissioner may be destroyed if the authority of the Governor is first obtained for such destruction.

651.160 Bureau of Labor Account; deposits and expenditures; records. (1) There hereby is established in the General Fund in the State Treasury an account to be known as the Bureau of Labor Account. Except as otherwise provided by law, all fees of whatever kind, and moneys received or collected by the Bureau of Labor and the Wage and Hour Commission, from every source, and paid into the State Treasury pursuant to law shall be credited to the Bureau of Labor Account. All moneys in the Bureau of Labor Account hereby are appropriated continuously for the payment of the salaries and all other expenses of the Bureau of Labor and the Wage and Hour Commission.

(2) The Labor Commissioner shall keep a record of all moneys deposited in the Bureau of Labor Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or program

against which each withdrawal is charged. [Amended by 1957 c.465 §1]

651.170 Payment of expenses. The Labor Commissioner may incur such expense and employ such clerical aids as may be necessary to carry out ORS 651.030, 651.050, 651.060, 651.120 to 651.150, and subsection (2) of 279.352. The Secretary of State may draw warrants on the State Treasurer for the payment of such expense upon properly verified vouchers approved by the Labor Commissioner; provided, such expense shall not exceed at any time the amount appropriated therefor.

[Amended by 1959 c.627 §10]

651.180 [Amended by 1955 c.138 §3; 1957 c.465 §5; 1959 c.406 §32; renumbered 460.070]

651.210 [Repealed by 1959 c.406 §34]

651.220 [Repealed by 1959 c.406 §34]

651.230 [Repealed by 1959 c.406 §34]

PENALTIES

651.990 Penalties. (1) Wilful neglect or refusal by any person subpoenaed under ORS 651.060 to attend or testify at the time and place named in the subpoena is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not exceeding 30 days.

(2) Violation of subsection (2) of ORS 651.120 is punishable, upon conviction, by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not exceeding 90 days.

(3) Violation of subsection (4) of ORS 651.140 by any officer, agent or employe of the Bureau of Labor is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment in the county jail for not more than one year.

LABOR AND INDUSTRIAL RELATIONS

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 December 1, 1967.

Robert W. Lundy
Legislative Counsel