

TITLE 51

LABOR AND INDUSTRIAL RELATIONS

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Chapter 651

1981 REPLACEMENT PART

Bureau of Labor and Industries

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LABOR AND INDUSTRIAL RELATIONS

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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 and Industries.

(2) "Labor Commissioner" means the Commissioner of the Bureau of Labor and Industries. [Amended by 1979 c 659 §1]

BUREAU OF LABOR AND INDUSTRIES; COMMISSIONER

651.020 Bureau of Labor and Industries. The Bureau of Labor and Industries hereby is established as a separate department of this state. [Amended by 1979 c 659 §2]

651.030 Commissioner; election; term; qualifications. (1) The Bureau of Labor and Industries shall be under the control of the Commissioner of the Bureau of Labor and Industries 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 and Industries for a term of four years.

(3) The Commissioner of the Bureau of Labor and Industries shall be a citizen of this state who has been a resident of this state for over five years. [Amended by 1979 c.659 §3]

651.040 Bond of commissioner. (1) The Commissioner of the Bureau of Labor and Industries shall, before entering upon the duties of the office of the commissioner, execute a bond to the state in the sum of \$5,000, conditioned upon the faithful, honest and impartial performance of the duties under ORS 651.030, 651.050, 651.060 and 651.120 to 651.170 and upon the prompt and faithful accounting for all fees of any nature collected by the commissioner or by designated 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 commissioner or of the Bureau of Labor and Industries or from any appropriation made for the purpose of defraying the expenses of the commissioner or of the Bureau of Labor and Industries. [Amended by 1979 c 225 §1]

651.050 Duties of commissioner. The Commissioner of the Bureau of Labor and Industries shall cause to be enforced:

(1) All laws regulating the employment of adults and minors.

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

(3) All laws enacted for the protection of employes.

(4) Laws which declare it to be a misdemeanor on the part of 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 apprenticeable trades and crafts, and similar laws. [Amended by 1959 c 406 §31, 1979 c 225 §2; 1981 c 851 §1]

651.060 Power to obtain evidence and take testimony; witness fees; employment of assistants; delegation of authority; rule-making power; public information programs. (1) The Commissioner of the Bureau of Labor and Industries may issue subpoenas, subpoenas duces tecum, administer oaths, obtain evidence and take testimony in all matters relating to the duties required under ORS 279.348 to 279.363, 651.030, 651.050, 651.120, 651.170, 652.330, 653.055 and wage claims arising under ORS 653.305 to 653.350 and in all contested cases scheduled for hearing by the Bureau of Labor and Industries pursuant to ORS 183.310 to 183.550. 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.

(3) The Commissioner of the Bureau of Labor and Industries shall employ a deputy commissioner and such other assistants or personnel as may be necessary to carry into effect the powers and duties of the commissioner or of the Bureau of Labor and Industries and may prescribe the duties and responsibilities of such employes. The commissioner may delegate any of the powers of the commissioner or of the bureau to the deputy com-

missioner and to the other assistants employed under this subsection for the purpose of transacting the business of the commissioner's office or of the bureau. In the absence of the commissioner, the deputy commissioner and the other assistants whom the commissioner employs shall have full authority, under the commissioner's direction, to do and perform any duty which the law requires the commissioner to perform. However, the commissioner shall be responsible for all acts of the deputy commissioner and of the assistants employed under this subsection.

(4) In accordance with any applicable provisions of ORS 183.310 to 183.550, the Commissioner of the Bureau of Labor and Industries may adopt such reasonable rules as may be necessary to administer and enforce any statutes over which the commissioner or the Bureau of Labor and Industries has jurisdiction.

(5) The Commissioner of the Bureau of Labor and Industries may conduct public information programs pertaining to any of the statutes over which the commissioner or the Bureau of Labor and Industries has jurisdiction. [Amended by 1959 c 627 §8, 1963 c 258 §1, 1971 c 734 §29, 1975 c 282 §1, 1979 c 225 §3, 1981 c 851 §2]

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 and Industries 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 and Industries 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 and Industries 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 [1963 c 291 §1, 1967 c 56 §1, repealed by 1969 c 597 §281]

651.120 Entry and examination of workplaces. (1) The Commissioner of the Bureau of Labor and Industries may:

(a) Enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts such as are contemplated by ORS 279.355, 652.330, 653.045, 653.540 and 659.050.

(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, or the respective agent, of any factory, mill, office, or workshop, or public or private works, shall refuse to allow an inspector or employe of the bureau to enter. [Amended by 1979 c 225 §4]

651.130 [Repealed by 1979 c 225 §5]

651.140 [Amended by 1959 c 627 §9, repealed by 1975 c 605 §33]

651.150 [Repealed by 1971 c 508 §4]

651.160 Bureau of Labor and Industries 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 and Industries Account. Except as otherwise provided by law, all fees of whatever kind, and moneys received or collected by the Bureau of Labor and Industries 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 and Industries Account. All moneys in the Bureau of Labor and Industries Account hereby are appropriated continuously for the payment of the salaries and all other expenses of the Bureau of Labor and Industries and the Wage and Hour Commission.

(2) The Commissioner of the Bureau of Labor and Industries shall keep a record of all moneys deposited in the Bureau of Labor and Industries 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, 1979 c 659 §4]

651.170 Payment of expenses. The Commissioner of the Bureau of Labor and Industries may incur such expense and employ such clerical aids as may be necessary to carry out ORS 279.352 (2) and 651.030, 651.050, 651.060 and 651.120. The Secretary of State may draw warrants on the State Treasurer for the payment of such expense upon properly verified vouchers approved by the 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 ORS 651.120 (2) 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 ORS 651.140 (4) by any officer, agent or employe of the Bureau of Labor and Industries 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.

