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**Oregon Bureau of Labor and Industries
Administrative Overview
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Introduction

The Bureau of Labor and Industries (BOLI) promotes the development of a highly-skilled, competitive workforce in Oregon through partnerships with government, labor, business, and educational institutions. It protects the rights of workers and citizens to equal, non-discriminatory treatment; encourages and enforces compliance with state laws relating to wages, hours, terms and conditions of employment; and advocates policies that balance the demands of the workplace and employers with the protections of workers and their families.

BOLI is under the control of the Commissioner of the Bureau of Labor and Industries, an elected position with a term of four years. The Commissioner's statutory enforcement responsibilities are extensive: all laws regulating the employment of adults and minors; all laws established for the protection of the health, lives and limbs of persons employed in workshops, factories, mills and other places; all laws enacted for the protection of employees; those 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; and those laws regulating and prescribing the qualifications of persons in apprenticeable trades and crafts. Pursuant to the duties of office, the Commissioner can issue subpoenas and subpoenas duces tecum, administer oaths, obtain evidence and take testimony.

History

By the latter part of the nineteenth century Oregon possessed the necessary elements of economic growth – abundant natural resources supporting farmers, stockmen, miners, fishermen and loggers; steamboats, stage lines, pack teams, and railroads to serve residents of small towns and emerging cities; and a steadily growing population. Not all Oregonians were prospering, however, despite their hard work, and an array of social and political ideologies sprang up with attractive solutions to change the status quo.

Miners laboring for low wages in terrible conditions were drawn to the Knights of Labor, and the more radical Western Federation of Miners; farmers organized themselves and pressured the Legislative Assembly for recognition (and protection against the powerful railroads) through the National Grange of the Order of Patrons of Husbandry (the Grange) and the Northwestern Alliance; prohibitionists, suffragists and other social reformers gravitated towards the demonstrative Women's Christian Temperance Union. As in other Western and Plains states, the Populist Party (or People's Party) attracted Oregonians ruined in the long economic depression

that followed the Panic of 1873; the 1892 presidential candidacy of the populist General James B. Weaver rallied many Oregonians with a platform of limited immigration; government ownership of railroads, telegraph and telephone; free coinage of silver to stimulate western mining; the secret ballot; the direct election of senators; and the sub-treasury system whereby the government would buy unsold farm commodities, hold them, and then unload the products on the world market. Politicians, judges and business leaders were generally able to stave off those interested in undermining the existing social and economic system, though serious discontent remained throughout the state. With the 'Holdup of '97,' a coalition led by William U'Ren and Jonathan Bourne, Jr. in the Oregon Legislative Assembly engineered an unprecedented empowerment of regular Oregonians; approving a constitutional amendment to create the initiative and referendum process in 1902, Oregonians inspired progressives across the country with the nonpartisan Oregon System.

Oregonians created the Bureau of Labor in 1903 in response to the nationwide surge in industrialization. The proliferation of consolidated corporations fueled by inexpensive immigrant labor repeatedly produced dangerous working conditions and adversarial employment relations. Though still largely an agricultural state at the end of the nineteenth century, Oregon's approaching industrial development was simultaneously heralded and feared.

Concerned that the competing forces of corporate capital and organized labor would threaten the 'spirit of toleration' that prevailed between Oregon's employers and employees, Governor George Chamberlain called for a Bureau of Labor in his 1903 inaugural address. Chamberlain suggested a study of the relative conditions of capital and labor in Oregon; anticipating a growth in manufacturing, he proposed regulating practices like child labor before they became 'engrafted in our social and industrial system.'

Oregon's Legislative Assembly created the Bureau of Labor Statistics and Inspector of Factories and Workshops in 1903 to oversee the rapidly developing industrial workplace and to protect workers, especially children and minors. O.P. Hoff was appointed Commissioner of the Bureau of Labor Statistics by the Board of Control, and served as the Bureau's sole employee for the first four years. The Labor Commissioner, as the position was known, became an elected one in 1906, and Hoff served in this post until January, 1919. The Bureau's statutory responsibilities were initially limited to enforcement of the child labor laws, the 10-hour working day for women, and the Factory Inspection Law (1903 HB 14). The 1903 Legislative Assembly also created the Board of Inspectors of Child Labor, though it failed to appropriate any funds to support its mission; the Board, comprised of five individuals, at least three being women, was appointed by the governor and served without compensation (1903 SB 166).

The Factory Inspection Law of 1907 allocated enforcement power to the Labor Commissioner in order to determine the safety of machinery and industry adherence to safety standards; the Commissioner had been limited under the 1903 law to making recommendations (1907 SB 234). In 1907 Oregon was divided into three districts, with deputy labor commissioners in Portland, Albany and Baker City charged with enforcing the new laws. With the power to prohibit the use of defective or dangerous machinery (and the establishment of employer liability for willful violations causing worker injury), the Bureau was able to report a 50% reduction in workplace accidents and an 80% reduction in related litigation. The following year, the United States Supreme Court upheld Oregon's 1903 labor law and its restriction on the working hours of women, finding a strong state interest in the protection of women's health; future Supreme Court Justice Louis Brandeis filed a voluminous and influential brief in support of the law.

In 1911 the Legislative Assembly appropriated money for the Board of Inspectors of Child Labor, enabling its Executive Secretary Millie Reid Trumbull to better enforce the compulsory school attendance laws and to address the growing practice of child labor (O.L. 1911, Ch. 138). Two years later, Oregon created the first enforceable wage and hour law in the nation, and the Industrial Welfare Commission was established to limit work hours and set minimum wages for women and children (O. L. 1913, Ch. 62). 1913 also saw the passage of a Workmen's Compensation Act by referendum, and the creation of the Industrial Accident Commission to collect funds from employers and distribute them to workers unable to perform due to workplace injuries (O.L. 1913, Ch. 112).

Progressivism and the Oregon System thrived during the administration of Governor Oswald West (1911-1915); by the onset of World War I, however, years of prosperity and unmet worker expectations gave birth to a nationwide rise in industrial strife. In Oregon, loggers, mill workers and other laborers questioned the wisdom of cooperation with management and increasingly joined socialist and trade unionist organizations (e.g. International Workers of the World) that emphasized international worker unity and the complete overthrow of capitalism. A wary federal government stepped into the Northwest and assumed control of the logging and lumber industries.

In 1918 C.H. Gram was elected to succeed O.P. Hoff as Labor Commissioner. Gram began with the Bureau in 1907 as a former president of the Portland Central Labor Council and three-term president of the Oregon State Federation of Labor. Elected Commissioner six times, Gram led the Bureau through years of industrial prosperity and depression before retiring in 1943 as the longest serving official in Oregon government.

The Legislative Assembly created the State Board of Conciliation in 1919 for the settlement of industrial disputes between laborers and management. The Board had the power to provide boards of arbitration (comprised of three arbitrators) in unresolved disputes (O.L. 1919, Ch. 178). The Factory Inspection Law was further strengthened to include the condition of floors, exits, lighting, heating equipment, sanitation, fire protection and ventilation (O.L. 1919, Ch. 181). The Bureau of Labor assumed the duties of licensing electric linemen (O.L. 1919, Ch.163); similarly, the 1925 Legislative Assembly required all firms, persons or corporations installing plumbing or drainage to receive a license from the Bureau of Labor (O.L. 1925, Ch. 272).

With serious bodily injury becoming a regular occurrence in the industrial workplace, the Oregon Legislative Assembly turned its attention to the creation of reasonable safety standards and the empowerment of the Industrial Accident Commission (O.L. 1920, Ch. 48). The Legislative Assembly eventually authorized the Commission to establish safety standards for the construction and operation of steam boilers (O.L. 1933, Ch. 393).

Through its first decades of operation, the issue most frequently encountered by the Bureau of Labor was the 'nonpayment of wages;' complaints of this variety were more numerous than all other types combined. In response to pressure from the Bureau, the Legislative Assembly passed a Pay Day law in 1925 requiring employers to establish regular pay days at intervals of 30 days or less; the Bureau was charged with enforcing this legislation (O.L. 1925, Ch. 252). The Bureau of Labor Statistics and Inspector of Factories officially changed its name to the Bureau of Labor in 1929 (O.L. 1929, Ch. 344). Two years later the Board of Inspectors of Child Labor and

Industrial Labor Commission were abolished (O.L. 1931, Ch. 394) and replaced by the State Welfare Commission. The Labor Commissioner was named secretary and executive officer of this Commission.

The State Apprenticeship Commission was also created in 1931 (O.L. 1931, Ch. 101). The Commission was assigned jurisdiction over minors who entered into a contract of employment of more than two months, and who received pay for services while learning a trade or business. The Commission was comprised of the State Superintendent of Public Instruction, the State Labor Commissioner and a member of the State Industrial Accident Commission. The Oregon Legislative Assembly acceded to the Bureau of Labor's continuing pleas for more authority to investigate and prosecute the nonpayment of wages, passing a Wage Collection law in 1931 (O.L. 1931, Ch. 287). This law enabled the Bureau to file criminal complaints against offending employers; its effectiveness was limited, however, by a failure to include thousands of service industry jobs within its statutory parameters. The Legislative Assembly strengthened Oregon's labor laws and the Bureau's powers of enforcement (O.L. 1933, Ch. 279); the Bureau also continued its efforts to assist workers in wage disputes through an informal process of mediation.

The 1935 Legislative Assembly required persons installing electrical equipment or wiring, and merchants selling electrical materials, to have a license from the Bureau of Labor (O.L. 1935, Ch. 318). The purpose of this law was to eliminate the widespread sale and installation of substandard electrical goods. The Legislative Assembly continued to add to the safety responsibilities of the Labor Commissioner in 1937, granting authorization to annually inspect Oregon's power-driven elevators (O.L. 1937, Ch. 312).

A new era began in 1939 with the Bureau of Labor's mandate to cooperate with the United States Department of Labor's Wage and Hour Division and Children's Bureau in the enforcement of the wide-ranging Fair Labor Standards Act of 1938 (O.L. 1939, Ch. 255). The United States Supreme Court upheld the constitutionality of the Fair Labor Standards Act in 1941; reversing a previous ruling that denied Congress' power to regulate labor conditions through the Commerce Clause of United States Constitution (Article 1, Section 8, Clause 3), the Court approved a national minimum wage, overtime pay, and a minimum work age of 16 (instead of the prevalent state standard of 14). In 1941 the State Welfare Commission was re-named the Wage and Hour Commission in order to distinguish it from the State Public Welfare Commission handling public relief.

In 1942 William E. Kimsey was elected to the first of three terms in the position. Kimsey, a former state and federal mediator, had served as Gram's deputy in the charge of the Portland district. The Bureau of Labor cooperated in the intense mobilization of all varieties of Oregon labor upon the United States' entry into World War II. The Bureau worked with the United States Employment Service in the temporary permitting of child laborers enlisted to meet war production goals. The employment of women in heavy industry reached unprecedented levels during the war, but the regulation of the eight-hour day and general working conditions was maintained by the Bureau of Labor.

Anticipating a post-war interest in industrial training and the acquisition of skilled trades, Oregon accelerated and streamlined its apprenticeship program; in 1943 the State Apprenticeship Commission was reorganized as the State Apprenticeship Council (O.L. 1943, Ch. 457). The Council was comprised of members of labor, management and the general public, with the

Commissioner retaining chairmanship. The program's numbers swelled from fewer than 50 registered apprentices in 1945 to more than 5,000 in 1948.

Oregon's 45th Legislative Assembly passed the Oregon Fair Employment Practices Act in 1949, forbidding worker discrimination due to color, race, religion or national origin (O.L. 1949, Ch. 221). The Act forbade discrimination by employers, labor unions and employment agencies in hiring and firing, work referrals, promotions, work conditions and union admission. Assisted by an Advisory Committee of labor, management and minority representatives, the Bureau largely carried out its mandate through education.

The 1950's brought significant restructuring at the Bureau of Labor; in 1951 the Bureau transferred all factory inspection duties to the Industrial Accident Commission (O.L. 1951, Ch. 343). In 1953 the Commissioner of Labor was granted authority to enter into agreements with the labor departments of other states for the enforcement and collection of wage claims, provided the other state maintained a reciprocal statute (O.L. 1953, Ch. 256). And in 1957 the State Conciliation Service was formed after the abolition of the State Board of Conciliation (O.L. 1957, Ch. 122). The State Conciliation Service fostered collective bargaining between labor and management by providing voluntary conciliation, arbitration and mediation facilities. The Bureau's Civil Rights Division was effectively created this year by the Legislative Assembly's call for the Commissioner to eliminate discrimination in employment (O.L. 1957, Ch. 724).

In 1954 Norman Nilsen was elected to succeed Kimsey as Commissioner of Labor. Nilsen, who worked with the United States Department of Labor (1945-47) after serving in the Navy during World War II, was State Director of Apprenticeship from 1947-52.

The Advisory Committee of Fair Employment Practices was renamed the Advisory Committee on Civil Rights in 1955 (O.L. 1955, Ch. 534). The main responsibilities of this Committee were to study discrimination in reference to race, religion and national origin, and to make policy and procedural recommendations to the Labor Commissioner.

The Legislative Assembly enacted laws in 1959 to prohibit unreasonable acts of age discrimination in employment against individuals between the ages of 25 and 65; and the enforcement responsibilities were placed with the Bureau of Labor (O.L. 1959, Chs. 547 and 689). This same year the Legislative Assembly also created the Interagency Commission on Migrant Labor (O.L. 1959, Ch. 253), passed legislation to regulate farm labor contractors (O.L. 1959, Ch. 395), and began requiring contractors to pay its workers the prevailing wage on all public works projects (O.L. 1959, Ch. 627).

In 1961, the Legislative Assembly added the prohibition of racial, religious, or ethnic discrimination by "any place offering to the public goods or services" (O.L. 1961, Ch. 247). The Scenic Area Commission was also created within the Bureau of Labor for establishing and vacating areas deemed inappropriate for billboard advertisements. Internal restructuring at the Bureau of Labor in 1967 resulted in a Safety Division to enable a consolidation of the administration of electrical safety, boiler safety, unfired pressure vessel safety, elevator safety, and house-trailer safety laws.

The Legislative Assembly enacted a Minimum Wage Law in 1967 and assigned duties to the Wage and Hour Division to investigate and enforce the legislation (O.L. 1967, Ch. 596); this became Oregon's first uniform minimum wage law that applied to adult men. As part of a 1969

reorganization of state government, the State Labor Management Relations Board was established, relieving the Bureau of Labor of these responsibilities as well as those of the State Conciliation Service (O.L. 1969 671).

Oregon's Fair Employment Practices Act was amended in 1969 to include a prohibition against discrimination based upon sex (gender). The Bureau of Labor was instructed by the Legislative Assembly to employ a deputy to enforce civil rights provisions related to the workplace, and to create citizen-representative advisory agencies and inter-group councils to make recommendations to the Commissioner of Labor (O.L. 1969, Ch. 618).

1971 saw the creation of two internal councils, the Human Rights Advisory Council and the Sex Discrimination Advisory Council; both were established to include minority, ethnic, religious, and women's groups in the dissemination of information concerning workplace discrimination. These committees held regular public meetings and reported directly to the Commissioner of Labor. In 1971 the Legislative Assembly created a system whereby unfair labor practice complaints could be filed with either the Commissioner of Labor or the Attorney General (O.L. 1971, Ch. 723). The Commissioner could initiate this complaint process, and was empowered to issue subpoenas, administer oaths and take testimony in investigating such claims (O.L. 1971, Ch. 734). Unfair labor practice legislation included both employers and labor organizations (O.L. 1971, Ch. 729).

The Legislative Assembly transferred the Bureau of Labor's Electrical Advisory Board duties to the Director of the Commerce Department, and transferred the Bureau's mobile home (electricity and plumbing), elevator, boiler and pressure vessel inspection duties to the Commerce Department (O.L. 1971, Ch. 753; O.L. 1973, Ch. 528 and Ch. 832).

The Employment Agencies Advisory Board was created by the Legislative Assembly in 1973 to improve regulation of Oregon's employment agencies and to make recommendations to the Bureau (O.L. 1973, Ch. 678). The Public Employees Collective Bargaining Act was also passed in this year to provide uniformity and organization in the public sector collective bargaining relationship (O.L. 1973, Ch. 536).

The Legislative Assembly passed the Oregon Safe Employment Act in 1973, vesting the Worker's Compensation Department with responsibility to reduce the number of occupational safety and health hazards and to institute new programs for the provision of safe and healthful working conditions. The Bureau of Labor was instructed to notify the Director of Worker's Compensation of violations of occupational safety and health laws, including those discovered in the inspections of labor camps, fields and facilities prior to occupancy (O.L. 1973, Ch. 833). The Commissioner was also given the new responsibility of eliminating discrimination in employment and public accommodations on the basis of physical or mental handicap (O.L. 1973, Ch. 660).

In 1974 Bill Stevenson was elected the Commissioner of Labor. Stevenson previously represented Multnomah County in the Senate in the 1974 special session, and the 1973 legislative session; he also served as a State Representative from 1967 to 1972. Mary Wendy Roberts succeeded Stevenson in the 1978 election; she too came to the Bureau from the Legislative Assembly, serving as a State Senator from 1974 to 1978, and a State Representative from Multnomah County from 1972 to 1974.

The Legislative Assembly eliminated the State Labor Relations Board in 1975, transferring its duties to the Employment Relations Board; the Civil Service Commission became the Public Employee Relations Board (O.L. 1975, Ch. 147).

In 1979, the Bureau of Labor's name was officially changed to the Bureau of Labor and Industries by the Legislative Assembly (O.L. 1979, Ch. 659). Four years later the Support Services Division was created to operate the Bureau's financial and personnel record keeping. The Division contained two important functions: the Technical Assistance Unit and a Research Unit. The former provides free information on labor and legal issues, while the latter aids in the research and determination of the prevailing wage rate.

In 1981 the Legislative Assembly instructed the Commissioner of Labor and Industries to employ a deputy commissioner to carry out the mandates of the Bureau, to craft reasonable rules to effect its policies and procedures, and to initiate public information efforts to educate Oregonians about their rights in the workplace (O.L. 1981, Ch. 851).

On the other hand, budget cuts in 1981 led to job cuts of thirty employees at BOLI, resulting in the elimination of the disabled workers program, a cessation in the inspection of farm labor camps, and greater lag time in investigating wage claims. And after the passage of Measure 5's cap on property taxes in 1990 and its serious impact on funding for state government, the Commissioner cut twenty-three staff positions, amounting to 20 percent of BOLI's entire staff for the 1991-1993 biennium.

The Legislative Assembly created the Wage Security Fund in 1985 to offer limited compensation (back pay) to employees of failed businesses (O.L. 1985, Ch. 409). The Commissioner was also granted enhanced powers in the investigation and enforcement of the state's minimum wage laws (O.L. 1985, Ch. 99).

Oregon passed a Whistleblower Law in 1989, protecting public employees reporting violations of law, mismanagement, or the gross waste of funds. The Legislative Assembly instructed the Bureau of Labor to assure a uniform application of the law (O.L. 1989, Ch. 890). In 1989 the Legislative Assembly created a Workforce Development Fund, separate from the General Fund, to empower a newly created Oregon Economic Development Department. The Commissioner of Labor and Industries was made a member of the State Agency Work Force Advisory Council, an inter-agency work group charged with advising the Economic Development Council (O.L. 1989, Ch. 961).

Recognizing the need of laboring Oregonians to balance the obligations of family and employment, the Legislative Assembly provided an employment leave for workers needing to care for a family member suffering a serious health condition. This legislation designated an employer's unwillingness to grant such unpaid leave an unfair employment practice, and mandated the employee's full restoration upon return; BOLI was given responsibility for the enforcement of this law (O.L. 1991, Ch. 939) which preceded the federal Family Medical Leave Act by two years.

In 1994 Jack Roberts was elected Commissioner of Labor and Industries, having campaigned for a more limited role for BOLI and promising to study the possibility of consolidating its functions within another state agency. He arrived at BOLI from the Lane County Board of

Commissioners, to which he had been appointed in 1989 and elected in 1990 and 1992; Roberts previously worked as an attorney from 1980 to 1989.

In response to pressure from the Commissioner, in 1995 the Legislative Assembly declared an emergency and instructed representatives of BOLI, the Employment Department, the Department of Consumer and Business Services, the Economic Development Department, the Department of Administrative Services, and the Department of Justice to meet to develop a plan for the transfer of the functions of BOLI to other agencies in the group or otherwise consolidate them (O.L. 1995, Ch. 731). The Legislative Assembly statutorily relocated the Commissioner's position to a nonpartisan position (O.L. 1995, Ch. 107), though the office remained elected and the agency intact.

In 1995, Oregon employers were given the responsibility of verifying the eligibility of minors for employment, and BOLI ceased issuing employment certificates for this purpose (O.L. 1995, Ch. 133). Oregon's family, pregnancy and sick leave laws were also overhauled and clarified (O.L. 1995, Ch. 580).

1995 also saw changes in the prevailing wage law governing contractors on Oregon public works projects. Steering away from the use of federal data or collective bargaining agreements to set project wages, the Legislative Assembly established the use of local surveys to make such determinations. Contractors were required to pay a fee to BOLI to fund the surveys, and a Prevailing Wage Education and Enforcement Account was created to administer the new system (O.L. 1995, Ch. 594).

In 1997 the Legislative Assembly allocated money from the Worker's Benefit Fund (collected from worker's compensation hourly assessments) to the Civil Rights Division to fund the prosecution of unfair labor practice complaints, and instructed the division to report annually to the Director of Consumer and Business Services on the number and disposition of administered complaints (O.L. 1997, Ch. 663).

The Legislative Assembly declared it an unlawful discriminatory employment practice for the State of Oregon as an employer to terminate a worker's group health benefits while out with an injury or illness for which a worker's compensation claim was filed (O.L. 1999, Ch. 245).

In 2002 Dan Gardner was elected Commissioner of Labor and Industries. Gardner came to the Bureau from the Oregon House of Representatives, where he served from 1996 to 2002. He served as Assistant Democratic Leader during the 1999 session, and was unanimously chosen as House Democratic Leader in 2000. In 2006 Gardner was elected by his colleagues across the nation as secretary/treasurer of the National Association of Government Labor Officials (NAGLO), a professional association comprised of the chief labor officials of each state. Prior to joining state government, Gardner worked as an electrician for 28 years and served as vice-president of the International Brotherhood of Electrical Workers (IBEW) Local 48. Gardner was re-elected Commissioner in 2006.

Commissioner Gardner's election was preceded by years of staff reductions necessitated by state budget cuts and attempts to transfer/consolidate many of the agency's functions. Gardner has therefore targeted certain areas for particularly vigorous oversight and enforcement and simultaneously attempted to maintain adequate funding to enable BOLI to continue to providing basic services to all Oregonians.

In 2007, Legislative Assembly empowered the Commissioner to conduct investigations of unlawful employment practices, and instructed the Wage and Hour Commission to conduct investigations utilizing subpoenas, administration of oaths, collection of evidence, and taking of testimony in prosecuting unlawful employment practices under its purview (child labor). The Assembly also outlined a procedure whereby the Commissioner can petition the circuit courts in handling uncooperative witnesses, empowered the Commissioner to investigate discriminatory practices in employment agencies and farm labor contractors, and instructed the State Apprenticeship and Training Council to adopt rules outlining its investigatory procedures (O.L. 2007, Ch. 277).

In 2007 the Commissioner was added to the board that qualifies and appoints the Administrator of the Oregon Advocacy Commission; the Legislative Assembly instructed the Commission to utilize BOLI for administrative assistance (O.L. 2007, Ch. 814).

Current Organization

The **Apprenticeship and Training Division** promotes the development of a highly skilled workforce through partnerships with government, labor, business, and education, and provides apprenticeship opportunities for individuals. The division promotes apprenticeship in a variety of occupations and trades and works with business, labor, government and education to increase training and employment opportunities in apprenticeable occupations.

The **Commissioner's Office / Program Services Division** provides policy direction, resources and accountability to assist the operating units in encouraging compliance and in enforcing wage and hour and civil rights laws and apprenticeship standards. Internal program support services provide budget and fiscal control, employee services, and information systems management.

The **Civil Rights Division** enforces laws granting individuals equal access to jobs, career schools, promotions, and a work environment free from discrimination and harassment. The division also provides protection against retaliation for filing civil rights complaints, for reporting illegal activity ("whistleblower" protection), and for violations of family leave laws.

The **Wage and Hour Division** receives claims and complaints from workers involving wages and working conditions, including the minimum wage and overtime, and protects children in the workplace.

Boards, Commissions, Panels

The **Apprenticeship and Training Council** sets policy for apprenticeship training in Oregon and registers individual training programs.

The **Wage and Hour Commission** sets minimum standards for working conditions for minors and may grant specific exceptions to child labor laws.

Primary Statutes and Administrative Rule Chapters

- ORS 651 BOLI; Commissioner; Administration of Oregon Labor Laws
- ORS 652 Hours; Wages; Wage Claims; Records
- ORS 653 Minimum Wage; Employment Conditions; Minors
- ORS 654 Occupational Safety and Health
- ORS 655 Benefits for Injured Trainees and Inmates
- ORS 658 Employment Agencies; Farm Labor Contractors; Farmworker Camps
- ORS 659 Miscellaneous Prohibitions Relating to Employment and Discrimination
- ORS 659A Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement
- ORS 660 Apprenticeship and Training; Workforce Development
- ORS 25.424 Child Support Enforcement; prohibits discrimination against employees under a child support withholding order; see ORS 659A complaints.
- ORS 171.120 State Legislature; prohibits discrimination against legislators and candidates serving in Legislative Assembly; see ORS 659A complaints.
- ORS 279C.540 to ORS 279C.870 Public Contracts and Purchasing; determines maximum hours of labor on public contracts, determines and enforces prevailing wage rates for workers in construction trades; BOLI remedies.
- ORS 334.750 Education Service Districts; establishes youth apprenticeship standards.
- ORS 345.240 Private Schools; prohibits discrimination by vocational, professional or career schools; see ORS 659A complaints.
- ORS 399.235 Organized Militia; provides job restoration following leave; see ORS 659A complaints.
- ORS 441.178 Nurses; prohibits retaliation against nurses for reporting hospital health and safety violations; see ORS 659A complaints.
- ORS 476.574 Volunteer Firefighters; provides job restoration if the employer grants a leave for firefighting; BOLI remedies.
- ORS 476.576 State Fire Marshal / Protection from Fire; prohibits discrimination against volunteer firefighters called to active duty; BOLI remedies.

Chronology

- 1887** Oregon becomes the first state with a legal holiday of Labor Day (the national holiday was created in 1894).
- 1903** Bureau of Labor Statistics and Inspector of Factories and Workshops created. O.P. Hoff (R.) appointed first Labor Commissioner by the Board of Control.
- 1903** Legislative Assembly passes Child Labor Law, creating compulsory school attendance for children under 14. Board of Inspectors of Child Labor created; Millie Reid Trumbull named first Executive Secretary, serves in post until 1931.
- 1906** Labor Commissioner becomes an elected position with a four-year term. Hoff elected to first term; re-elected in 1910 and 1914.
- 1907** Factory Inspection Law amended to give Labor Commissioner enforcement powers. Three deputy commissioners added to assist the Commissioner.
- 1908** United States Supreme Court unanimously upholds Oregon's 1903 restrictions on working hours for women in landmark case of *Muller v. Oregon* (208 U.S. 412).
- 1911** Legislative Assembly appropriates funding for enforcement of Child Labor Law and the Board of Inspectors of Child Labor; and increases minimum age of compulsory school attendance and work permit eligibility to 15 years.
- 1913** Legislative Assembly passes Wage and Hour Act; Industrial Welfare Commission created, limiting work hours and setting minimum wages for women and children.
- 1913** Oregon accepts Workmen's Compensation Act in referendum, and Legislative Assembly creates Industrial Accident Commission to administer its laws.
- 1915** Legislative Assembly empowers Bureau of Labor to regulate private employment agencies.
- 1916** United States Congress passes Keating-Owen Act, setting eight-hour maximum work day for children 14 to 16 years of age, prohibiting factory work for those under 14. Supreme Court deems this an impermissible regulation of interstate commerce two years later in *Hammer v. Dagenhart*, 247 U.S. 251 (1918).
- 1918** Charles Gram (R.) elected to succeed Labor Commissioner Hoff; position title changed to Commissioner of the Bureau of Labor Statistics and Inspector of Factories and Workshops.
- 1919** Legislative Assembly creates State Board of Conciliation and Arbitration, the first of its kind in the nation.
- 1919** Legislative Assembly instructs Bureau to begin licensing electric linemen.

- 1920** Oregon Legislative Assembly designates Bureau of Labor as enforcer of new steam boiler inspection law.
- 1925** Oregon Legislative Assembly passes Pay Day law, setting regular wage payments at intervals of 30 days or less.
- 1925** Oregon Legislative Assembly designates Bureau of Labor as licensor of plumbing and drainage installers.
- 1929** Bureau of Labor Statistics and Inspector of Factories and Workshops officially becomes Bureau of Labor.
- 1930** Commissioner of Labor Statistics and Inspector of Factories and Workshops becomes Commissioner of the Bureau of Labor.
- 1931** Legislative Assembly passes Wage Collection law, and empowers the Bureau to investigate wage claims and file criminal complaints against certain employers.
- 1931** Oregon Legislative Assembly consolidates Board of Inspectors of Child Labor, Industrial Welfare Commission and the Bureau of Labor effected in World War I. Board of Inspectors of Child Labor and Industrial Welfare Commission abolished, State Welfare Commission created; Commissioner of Labor designated executive.
- 1931** Oregon Legislative Assembly passes Apprenticeship law, appointing the Commissioner of Labor as chairman of the Apprenticeship Commission.
- 1933** United States Congress passes National Recovery Act to encourage economic growth through public works projects; effectively eliminated employment of workers less than 16 years of age in industry and trade. Deemed an impermissible delegation of power and regulation of interstate commerce by Supreme Court two years later in *Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935).
- 1935** National Labor Relations Act becomes law, Oregon union membership doubles.
- 1936** United States Congress passes Walsh-Healy Act regulating employment in government contracting; prohibits employment of boys under 16 and girls under 18, establishes overtime pay for work in excess of 40 hours per week, sets minimum wage at prevailing rate in the area, and establishes safety standards.
- 1937** Oregon Legislative Assembly orders Bureau of Labor to inspect all freight and passenger elevators once per year and to issue permits for their operation.
- 1938** United States Congress passes Fair Labor Standards Act, establishing a national minimum wage, regulating overtime employment pay, and setting 16 years of age (rather than the usual standard of 14) as the basic minimum for work.
- 1939** Oregon Bureau of Labor begins cooperation with United States Department of Labor in enforcing Fair Labor Standards Act of 1938.

- 1941** United States Supreme Court unanimously upholds constitutionality of Fair Labor Standards Act in *United States v. Darby Lumber Co.*, 312 U.S. 100 (1941); overrules *Hammer v. Dagenhart*, 247 U.S. 251 (1918).
- 1941** State Welfare Commission changes name to Wage and Hour Commission.
- 1942** William E. Kimsey (R.) elected to succeed Gram as Commissioner of Labor.
- 1943** State Apprenticeship Commission reorganized as State Apprenticeship Council.
- 1947** Oregon Legislative Assembly designates Bureau of Labor as inspector of vessels holding liquefied petroleum products.
- 1947** Legislative Assembly passes Labor Disputes Election law requiring Bureau of Labor to conduct elections pertaining collective bargaining units by secret ballot.
- 1949** Legislative Assembly passes Fair Employment Practices Act forbidding worker discrimination due to color, race, religion or national origin; Bureau of Labor granted investigatory and enforcement powers. Fair Employment Practices Advisory Committee created to advise Commissioner of Labor.
- 1951** Legislative Assembly repeals 1903 laws requiring Commissioner of Labor to gather social and economic statistics on ‘Orientals.’
- 1954** Norman Nilsen (D.) elected to succeed Kimsey as Commissioner of Labor. Re-elected in 1958, 1962, 1966 and 1970.
- 1955** Fair Employment Practices Advisory Committee changes name to Advisory Committee on Civil Rights.
- 1957** State Conciliation Service replaces State Board of Conciliation and Arbitration.
- 1959** Oregon Legislative Assembly prohibits unreasonable acts of age discrimination in employment; requires payment of prevailing wage on public works projects; and enacts the Migrant Farm Labor Contractor Act. Enforcement responsibilities for these statutory mandates are conferred upon the Bureau of Labor.
- 1961** Oregon Legislative Assembly prohibits racial, religious or ethnic discrimination in public accommodations.
- 1964** United States Congress passes landmark Civil Rights Act, prohibiting discrimination in public accommodations, employment and government services, and creates administrative Equal Employment Opportunity Commission (EEOC).
- 1967** Oregon Legislative Assembly passes Minimum Wage Law; assigns enforcement to Bureau of Labor’s Wage and Hour Division. Safety Division created within the Bureau of Labor to administer the electrical safety, boiler safety, unfired pressure vessel safety, elevator safety, and house-trailer safety laws.

- 1969** Bureau of Labor's Conciliation Service duties passed to State Labor Management Relations Board, created by the Oregon Legislative Assembly in this year.
- 1969** Legislative Assembly amends Fair Employment Practices Act, includes prohibition against discrimination based upon sex (gender).
- 1971** Oregon Legislative Assembly creates Human Rights Advisory Council and Sex Discrimination Advisory Council to conduct regular public meetings on workplace discrimination; both report to the Commissioner of Labor.
- 1974** Bill Stevenson (D.) elected to succeed Nilen as Commissioner of Labor.
- 1978** Mary Wendy Roberts (D.) elected to succeed Stevenson as Commissioner of Labor. Re-elected in 1982, 1986 and 1990.
- 1979** Bureau of Labor changes name to Bureau of Labor and Industries (BOLI); leadership name officially becomes Commissioner of Labor and Industries.
- 1983** Support Services Division created within BOLI to handle its financial and personnel records. Technical Assistance and Research Units created within the division to disseminate information on labor law and determination of prevailing wages, respectively.
- 1985** Wage Security Fund created to compensate employees of failed businesses.
- 1989** Legislative Assembly passes Whistleblower Law.
- 1990** Ballot Measure 5 passes, establishing limits on property taxes, transferring school funding from the local to state level, and effectively creating a state budget crisis.
- 1991** Legislative Assembly passes Family Medical Leave Act.
- 1993** United States Congress passes Family Medical Leave Act.
- 1994** Jack Roberts (R.) elected to succeed Mary Wendy Roberts (no relation) as Commissioner of Labor and Industries. Re-elected in 1998 as nonpartisan.
- 1995** Commissioner position designated as nonpartisan by the Legislative Assembly.
- 1995** Legislative Assembly passes overhauls State's employment leave policies.
- 1995** Legislative Assembly orders plan for transfer/consolidation of BOLI's functions.
- 2002** Dan Gardner elected to succeed Jack Roberts as Commissioner of Labor and Industries. Re-elected in 2006.
- 2008** Brad Avakian appointed to Commissioner of Labor and Industries.

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