

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [10/30/2009] by the
Oregon Employment Department, Unemployment Insurance Division Date prior to or same as filing date
OAR 471

Agency and Division Administrative Rules Chapter Number

Janet Orton 875 Union St NE, Salem OR 97311 (503) 947-1724

Rules Coordinator Address Telephone

to become effective [11/01/2009] through [04/30/2010].
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Economically Distressed Worker Training program rules.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT: OAR 471-030-0220

AMEND: OAR

SUSPEND: OAR

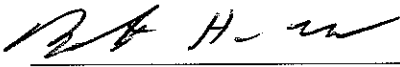
Stat. Auth.: ORS 657.610

Other Auth.: ORS

Stats. Implemented: ORS 657.610 and HB 3483 Enrolled Oregon 2009 Regular Session

RULE SUMMARY

This rule governs the administration of the Economically Distressed Worker Training program which provides Unemployment Benefits to unemployed individuals considered to be Economically Distressed (making less than 110% of minimum wage in the base year) during retraining programs.

 Robert H Edwards 10/30/2009

Signature Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

Secretary of State

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Employment Department, Unemployment Insurance Division
Agency and Division

OAR 471

Administrative Rules Chapter Number

In the Matter of: Adopt OAR 471 - 030-0220

Rule Caption: Economically Distressed Worker Training program rules.

Statutory Authority: ORS 657.610

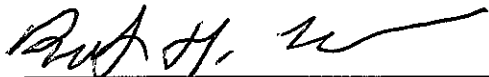
Other Authority:

Stats. Implemented: ORS 657.010 and HB 3483 Enrolled Oregon 2009 Regular Session.

Need for the Temporary Rule(s): HB 3483 Enrolled Oregon 2009 Regular Session implemented the Economically Distressed Worker program, these rules are needed to administer the program.

Documents Relied Upon, and where they are available: ORS 657, OAR 471, available from the Secretary of State's website or by contacting the Employment Department Rules Coordinator at rules.emp@state.or.us or (503) 947-1724 or by visiting the Employment Department's website: www.workinginoregon.org

Justification of Temporary Rule(s): HB 3483 Enrolled Oregon 2009 Regular Session implements the Economically Distressed Worker program as of November 1, 2009 and these rules are needed for administration of the program.



Robert H Edwards

10/30/2009

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 945-2005

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Employment Department, Unemployment Insurance Division
Agency and Division

OAR 471

Administrative Rules Chapter Number

Janet Orton

875 Union St NE, Salem, OR 97311

(503) 947-1724

Rules Coordinator

Address

Telephone

RULE CAPTION

Economically Distressed Worker Training program rules.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing

ADOPT: OAR 471-030-0220

AMEND: OAR

REPEAL: OAR

RENUMBER: OAR

AMEND & RENUMBER: OAR

Stat. Auth.: ORS 657.610

Other Auth.: ORS

Stats. Implemented: ORS 657.610 and HB 3483 Enrolled Oregon 2009 Regular Session

RULE SUMMARY

This rule governs the administration of the Economically Distressed Worker Training program which provides Unemployment Benefits to unemployed individuals considered to be Economically Distressed (making less than 110% of minimum wage in the base year) during retraining programs.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

March 01, 2010

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)



Robert H Edwards

10/30/2009

Signature

Printed name

Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing. ARC 923-2005

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Employment Department, Unemployment Insurance Division
Agency and Division

OAR 471
Administrative Rules Chapter Number

In the Matter of: Adopt OAR 471 - 030-0220

Rule Caption: Economically Distressed Worker Training program rules.

Statutory Authority: ORS 657.610

Other Authority: ORS

Stats. Implemented: ORS 657.610 and HB 3483 Enrolled Oregon 2009 Regular Session

Need for the Rule(s): HB 3483 Enrolled Oregon 2009 Regular Session implemented the Economically Distressed Worker program, these rules are needed to administer the program.

Documents Relied Upon, and where they are available: ORS 657, OAR 471, available from the Secretary of State's website or by contacting the Employment Department Rules Coordinator at rules.emp@state.or.us or (503) 947-1724 or by visiting the Employment Department's website: www.workinginoregon.org

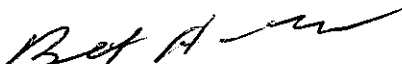
Fiscal and Economic Impact, including Statement of Cost of Compliance: The legislation in HB 3483 Enrolled Oregon 2009 Regular Session allows for the payment of up to \$30 million in benefits to eligible unemployed individuals.

Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
N/A
2. Cost of compliance effect on small business (ORS 183.336):
N/A
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
N/A
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
N/A
 - c. Equipment, supplies, labor and increased administration required for compliance:
N/A

How were small businesses involved in the development of this rule? Small businesses were not consulted in the development of this rule.

Administrative Rule Advisory Committee consulted?: No
If not, why?: Not applicable.


Signature

Robert H Edwards
Printed name

10/30/2009
Date

OAR 471-030-0220, Economically Distressed Worker Training

- (1) As used in House Bill 3483, Enrolled Oregon 2009 Regular Session, and this rule:
 - a) A “high-demand occupation” means one for which there are, or are expected to be reasonable employment opportunities in the area, or opportunities to develop a self-employment enterprise, and which are likely to become full-time endeavors paying at least 110 per cent of the minimum wage established under ORS 653.025.
 - b) “High-demand occupations,” as defined in section (1) of this rule, will be determined by the Oregon Employment Department Workforce and Economic Research Section. High-demand occupations for an individual will be based upon the labor market of the individual’s permanent residence.
 - c) “Attendance in economically distressed worker training” means attending training that is the equivalent of full-time status as defined by the training provider, and which begins with the starting date of the economically distressed worker training and ends with satisfactory completion of the training program. The period of time defined in this subsection includes customary academic recesses for holidays and between academic terms but does not include the customary academic summer recess.
 - d) “Minimum wage” as used to determine gainful employment or self employment in HB 3483, Section 1, Subsection 1, is the minimum wage in effect at the beginning of the first week claimed under this program.
 - e) “Minimum wage” as used to calculate an individual’s eligibility for economically distressed worker training in HB 3483, Section 1, Subsection 2 is the highest minimum wage in effect during the individual’s base year.
 - f) “Minimum wage” as used to apply HB 3483, Section 2, is the minimum wage in effect at the time the work is offered.

(2) Application of Eligibility Criteria

- a) The Employment Department will make the determination that an individual meets the definition of economically distressed worker for purposes of paying benefits under HB 3483.

To determine whether an individual was employed in work paying less than 110 per cent of the minimum wage during the individual’s entire base year, the individual’s total base year wages will be divided by the number of hours the individual worked during the base year. The result will be compared to 110% of the applicable minimum wage, as defined in Section (1)(e) of this rule, to determine the individual’s eligibility.

- (3) To receive benefits for any week while attending economically distressed worker training, an economically distressed worker who is otherwise eligible for unemployment insurance benefits must:
 - (a) Submit a written application for approval of economically distressed worker training on forms approved for such purpose by the Director to the Employment Department within 90 days prior to the start of training or school; and,

- (b) Submit to the Employment Department a timely claim for such week in accordance with procedures established in OAR 471-030-0045(4); and,
 - (c) Attend half or more of the scheduled class days during such week unless the days missed will not prevent satisfactory completion of the approved economically distressed worker training.
- (4) Decisions of the Director to approve or disapprove an application for training approval or to discontinue such approval for one or more weeks during economically distressed worker training will be issued in accordance with OAR 471-030-0039.