

IMPACT STATEMENT

Legislation title: Adopt Administrative Rules for Chapter 23.10 Removing Barriers to Employment and authorize the City Attorney to enter into an Intergovernmental Agreement with the Bureau of Labor and Industry (BOLI) at an amount not to exceed \$25,000 (Ordinance)

Contact name: Rachael Wiggins

Contact phone: 503-823-1129

Presenter name: Judy Prosper, City Attorney Office

Purpose of proposed legislation and background information:

The purpose of this ordinance is adopt Administrative Rules for Chapter 23.10 Removing Barriers to Employment and authorize the City Attorney to enter into a contract with the Bureau of Labor and Industry (BOLI) for its enforcement.

Financial and budgetary impacts:

Funds were allocated in the FY 2015-16 Budget, and then carried over to the FY 2016-17, for contracting with BOLI. Additionally, once the administrative rules have been adopted, the City Attorney will be using those funds for training and outreach to Portland business, prior to the effective date.

Community impacts and community involvement:

The rules were posted on the City Attorney's website on April 11, 2016, with a 21-day window for the public to provide comments in writing. Additionally, the Mayor's Office and the City's Attorney's Office hosted a public meeting on the rules on April 19, 2016.

Along with the general public, staff from the Mayor's Office and City Attorney's Office met separately with BOLI, the Portland Business Alliance, Venture Portland, Hispanic Metropolitan Chamber, the Urban League, and AFL-CIO Oregon to review the rules.

Budgetary Impact Worksheet**Does this action change appropriations?**

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



589

18 7795

Office of Mayor Charlie Hales
City of Portland

Proposed Amendment

DATE: May 31, 2016
TO: City Council
FROM: Mayor Charlie Hales
SUBJECT: Proposed amendments for Item 589

Adopt Administrative Rules for Chapter 23.10 Removing Barriers to Employment and authorize the City Attorney to enter into an intergovernmental Agreement with the Bureau of Labor and Industry not to exceed \$25,000

The Mayor's Office proposes the following amendments:

- **In RBE 3.04 Civil Penalties, amend to include the following:**
 1. In addition to the remedies provided under ORS 659A.820 through 659A.865, if the City brings an action against an Employer who has demonstrated a pattern and practice of violating the Ordinance, the BOLI Commissioner may assess a civil penalty of up to \$5,000 for each violation of the Ordinance or these Rules.
 2. Any civil penalties assessed by the BOLI Commissioner under this section shall be payable directly to the City.
- **Exhibit A: Criminal History Matrix, amend to include Attempts, Criminal Conspiracy and Solicitation in categories A & B of the crimes listed on Matrix**

Sincerely,

Charlie Hales
Mayor of Portland

Criminal History Matrix for Exceptions Under AR RBE 2.04 (4) (a) & (b)

187795

All criminal convictions not discussed below are subject to individualized assessment requirement contained in 23.10.030

Permissible Actions			
	Can we deem the applicant permanently ineligible for the position?	Can we deem the applicant ineligible for the position for 10 years?	Must we perform an individualized assessment as required by <u>City Code Section 23.10.030</u>
Position involving direct access to, or the provision of services to, children under the age of 18	Yes, for Categories A & B and any Sex Crime as defined by ORS 163A.005(5), or their Federal or out-of-state equivalents.	N/A	Yes, for all other criminal convictions.
Position involving direct access to, or the provision of services to, persons with disabilities	Yes, for Categories A & B and any Sex Crime as defined by ORS 163A.005(5), or their Federal or out-of-state equivalents.	Yes, for Category C Crimes, or their Federal or out-of-state equivalents.	Yes, for all other criminal convictions.
Position involving direct access to, or the provision of services to, persons 65 and older	Yes, for Categories A & B and any Sex Crime as defined by ORS 163A.005(5), or their Federal or out-of-state equivalents.	Yes, for Category C Crimes, or their Federal or out-of-state equivalents.	Yes, for all other criminal convictions.
Position involving direct access to, or the provision of services to, persons with mental illness	Yes, for Category A, or their Federal or out-of-state equivalents.	No.	Yes, for all other criminal convictions.
Position involving direct access to, or the provision of services to, persons with alcohol or drug dependence or with substance-abuse disorders	Yes, for Category A, or their Federal or out-of-state equivalents.	No.	Yes, for all other criminal convictions.

CONVICTIONS LIST

CATEGORY A¹

ORS 163.095, Aggravated murder	ORS 163.405, Sodomy I
ORS 163.115, Murder	ORS 163.411, Unlawful sexual penetration I
ORS 163.375, Rape I	ORS 163.427, Sexual abuse I

CATEGORY B²

ORS 163.118, Manslaughter I	ORS 163.535, Abandonment of child
ORS 163.125, Manslaughter II	ORS 163.537, Buying or selling person under 18
ORS 163.145, Criminally negligent homicide	ORS 163.547, Child neglect I
ORS 163.149, Aggravated vehicular homicide	ORS 163.670, Using child in display of sexually explicit conduct
ORS 163.165, Assault III	ORS 163.680, Paying for viewing child's sexually explicit conduct
ORS 163.175, Assault II	ORS 163.684, Encouraging child sexual abuse I
ORS 163.185, Assault I	ORS 163.686, Encouraging child sexual abuse II
ORS 163.187, Strangulation	ORS 163.687, Encouraging child sexual abuse III
ORS 163.200, Criminal mistreatment II	ORS 163.688, Possession of materials depicting sexually explicit conduct of child I
ORS 163.205, Criminal mistreatment I	ORS 163.689, Possession of materials depicting sexually explicit conduct of child II
ORS 163.225, Kidnapping II	ORS 164.057, Aggravated theft I
ORS 163.235, Kidnapping I	ORS 164.098, Organized retail theft
ORS 163.263, Subjecting another to involuntary servitude II	ORS 164.215, Burglary II
ORS 163.264, Subjecting another to involuntary servitude I	ORS 164.225, Burglary I
ORS 163.266, Trafficking in persons	ORS 164.325, Arson I
ORS 163.275, Coercion	ORS 164.405, Robbery II
ORS 163.355, Rape III	ORS 164.415, Robbery I
ORS 163.365, Rape II	ORS 165.013, Forgery I
ORS 163.385, Sodomy III	ORS 165.022, Criminal possession of forged instrument I
ORS 163.395, Sodomy II	ORS 165.032, Criminal possession of forgery device
ORS 163.408, Unlawful sexual penetration II	ORS 165.800, Identity theft
ORS 163.415, Sexual abuse III	ORS 165.803, Aggravated identity theft
ORS 163.425, Sexual abuse II	ORS 167.012, Promoting prostitution
ORS 163.432, Online sexual corruption of a child II	ORS 167.017, Compelling prostitution
ORS 163.433, Online sexual corruption of a child I	ORS 167.057, Luring a minor
ORS 163.435, Contributing to sexual delinquency of a minor	ORS 167.320, Animal abuse I
ORS 163.445, Sexual misconduct, if offender at least 18	ORS 167.322, Aggravated animal abuse I
ORS 163.525, Incest with child victim	

CATEGORY C

ORS 475.752, Unlawful delivery or manufacture of controlled substances, if charged as felony	ORS 475.858, Unlawful manufacture of marijuana within 1,000 feet of school
ORS 475.806, Unlawful manufacture of hydrocodone	ORS 475.860, Unlawful delivery of marijuana, if charged as felony
ORS 475.808, Unlawful manufacture of hydrocodone within 1,000 ft. of school	ORS 475.862, Unlawful delivery of marijuana within 1,000 feet of school
ORS 475.810, Unlawful delivery of hydrocodone	ORS 475.866, Unlawful manufacture of 3,4-methylenedioxy-methamphetamine
ORS 475.812, Unlawful delivery of hydrocodone within 1,000 ft. of school	ORS 475.868, Unlawful manufacture of 3,4-methyl-enedioxymethamphetamine within 1,000 feet of school
ORS 475.816, Unlawful manufacture of methadone	ORS 475.870, Unlawful delivery of 3,4-methylene dioxymethamphetamine
ORS 475.818, Unlawful manufacture of methadone within 1,000 ft. of school	ORS 475.872, Unlawful delivery of 3,4-methylene-dioxymethamphetamine within 1,000 feet of school
ORS 475.820, Unlawful delivery of methadone	ORS 475.876, Unlawful manufacture of cocaine
ORS 475.822, Unlawful delivery of methadone within 1,000 ft. of school	ORS 475.878, Unlawful manufacture of cocaine within 1,000 feet of school
ORS 475.828, Unlawful manufacture of oxycodone within 1,000 feet of school	ORS 475.880, Unlawful delivery of cocaine
ORS 475.830, Unlawful delivery of oxycodone	ORS 475.882, Unlawful delivery of cocaine within 1,000 feet of school.
ORS 475.832, Unlawful delivery of oxycodone within 1,000 feet of school	ORS 475.886, Unlawful manufacture of methamphetamine
ORS 475.846, Unlawful manufacture of heroin	ORS 475.888, Unlawful manufacture of methamphetamine within 1,000 feet of school
ORS 475.848, Unlawful manufacture of heroin within 1,000 feet of school	ORS 475.890, Unlawful delivery of methamphetamine
ORS 475.850, Unlawful delivery of heroin	ORS 475.892, Unlawful delivery of methamphetamine within 1,000 feet of school
ORS 475.852, Unlawful delivery of heroin within 1,000 feet of school	ORS 475.904, Unlawful delivery or manufacture of controlled substance within 1,000 feet of school
ORS 475.856, Unlawful manufacture of marijuana, if charged as felony	ORS 475.906, Unlawful delivery of controlled substance to minor, if charged as felony

^{1,2} Includes Attempts per ORS 161.405, Criminal Conspiracy per ORS 161.450, and Solicitation per ORS 161.435



187795

Office of Mayor Charlie Hales
City of Portland

Proposed Amendment

DATE: May 24, 2016
TO: City Council
FROM: Mayor Charlie Hales
SUBJECT: Proposed amendments for Item 539

Adopt Administrative Rules for Chapter 23.10 Removing Barriers to Employment and authorize the City Attorney to enter into an intergovernmental Agreement with the Bureau of Labor and Industry not to exceed \$25,000

The Mayor's Office proposes the following amendments:

- **In RBE 1.02 Definitions, include the following:**
 7. **"Volunteer"** means any person other than one who is a participant in a work experience or school directed professional training program, or receives benefits such as insurance, tuition reimbursement, or access to professional certification.
- **Scriveners error in Exhibit A: Criminal History Matrix**

Title should read: "Criminal History Matrix for Exceptions Under AR RBE 2.01 (4) (a) & (e) (b)"

Sincerely,

Charlie Hales
Mayor of Portland