

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

471

Agency and Division

Administrative Rules Chapter Number

Clarify definition of "good cause" for late and reopened appeals

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Revision to OAR 471-040-0010, 471-040-0040, 471-040-0041

Statutory Authority: ORS 657.610

Other Authority:

Stats. Implemented: ORS 657

Need for the Rule(s):

"Good cause" is the standard in current law for showing a reason for being late in requesting a hearing. Senate Bill 725 passed by the 2011 legislative session modifies ORS 657.270, allowing for a reopening of a hearing if the party shows good cause for failing to appear. This is a change from the requirement being 'beyond the control' of the individual making the request. The change to good cause for reopening a hearing makes that standard consistent with the existing standard for late appeals.

The proposed change lessens the standard needed to show good cause from 'beyond the reasonable control' to include excusable mistakes.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact: Negligible impact

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
No additional impact due to rule

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None

c. Equipment, supplies, labor and increased administration required for compliance: N/A

How were small businesses involved in the development of this rule? Many small businesses and associations are on the Department's interested parties mailing list.

Administrative Rule Advisory Committee consulted?: No

If not, why?: Will be convening a Rulemaking Advisory Committee in the coming year.



Signature

David Gerstenfeld

Printed name

December 12, 2011

Date