

**INTERAGENCY AGREEMENT
BETWEEN**

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION**

AND

**BUREAU OF LABOR AND INDUSTRIES
WAGE AND HOUR DIVISION**

INTRODUCTION

This Interagency Agreement (“agreement”) between the Oregon Department of Consumer and Business Services, Occupational Safety and Health Division (Oregon OSHA), and the Bureau of Labor and Industries (BOLI), Wage and Hour Division (WHD), describes the roles and responsibilities of each agency as they relate to agricultural labor housing and employment.

In accordance with ORS Chapter 654, the Oregon Safe Employment Act, and as mandated by the Occupational Safety and Health Administration, United States Department of Labor, Oregon OSHA has jurisdiction over the enforcement of worker safety and health in the state of Oregon.

The Bureau of Labor and Industries, WHD has jurisdiction over the following statutes: ORS chapters 651, 652, 653, 658 and 659, all of which may be applicable to agricultural employment.

OREGON OSHA RESPONSIBILITIES

1. Oregon OSHA will provide WHD copies of all citations, notifications of penalties, and in-compliance letters served on an agricultural employer or labor housing owner or operator. Such copies will be provided once Oregon OSHA has verified that the employer, owner, or operator is in receipt of said document(s).
2. Oregon OSHA shall fully consider any pending action taken by WHD, or any other agency, against an agricultural employer or labor housing operator prior to issuing a registration or before proposing to suspend, revoke, or refuse to issue a registration. Oregon OSHA recognizes that until a WHD administrative action becomes final, it cannot be relied upon as the reason for a proposed suspension, revocation, or refusal to issue a registration.

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3. Pursuant to a checklist provided by BOLI, Oregon OSHA, in its inspection of places of employment will refer to WHD any observed violations of BOLI laws as soon as practicable. Possible violations include, but are not limited to:
 - a. Minimum wage or other pay violations (unlawful deductions, failure to receive scheduled paycheck(s), etc.);
 - b. Child labor (underage minors, minors operating farm machinery, other hazardous employment);
 - c. Farm labor contractor issues (unlicensed contractor, violations of workers' rights);
 - d. Failure to post the required agricultural minimum wage poster; or
 - e. Any other apparent unsafe or unfair working conditions.
4. Upon request, Oregon OSHA will provide WHD copies of inspection activity reports and lists of registered agricultural labor housing.

WHD RESPONSIBILITIES

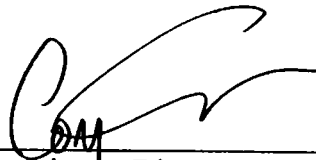
1. WHD shall fully consider any pending action taken by Oregon OSHA or any other agency against an agricultural labor housing operator prior to issuing a farm labor contractor's license or before proposing to suspend, revoke, or refuse to issue a farm labor contractor's license of the owner. WHD recognizes that until an Oregon OSHA administrative action becomes final, it cannot be relied upon as the reason for a proposed suspension, revocation, or refusal to issue a license.
2. Pursuant to a checklist provided by Oregon OSHA, BOLI will refer to Oregon OSHA any observed violations of Oregon OSHA laws observed during the course of its investigations, as soon as practicable. Possible violations include, but are not limited to:
 - a. Problems with drinking water, toilets and/or bathing facilities.
 - b. Problems with living/sleeping area and/or building structure.
 - c. Garbage improperly stored.
 - d. Pesticide application/over-spray where workers are present.

GENERAL PROVISIONS

1. Both WHD and Oregon OSHA agree to provide each other, as early as possible in the rulemaking process, drafts of proposed Oregon Administrative Rules relating to the operation or registration of agricultural labor housing.
2. Upon written request of either party, changes to this agreement will be discussed and negotiated.
3. This agreement supersedes all previous agreements between the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division and the Bureau of Labor and Industries, Wage and Hour Division concerning agricultural labor housing.
4. This agreement will remain in effect until legislative action amends the governing statutes or until revised with the approval of both parties.



Dan Gardner, Commissioner
Bureau of Labor and Industries



Cory Streisinger, Director
Department of Consumer and Business Services

Date 1-22-07

Date 3/5/07

Attachments: Oregon OSHSA Referral Checklist
Referral From BOLI

REFERRAL FROM BOLI

Date:

To: OR-OSHA, Portland Field Office
Agricultural Labor Housing Section

Phone: (503) 229-5910

Fax: (503) 229-6492

From:

Date observed:

These conditions may indicate violations of OR-OSHA regulations.

Employer Name: _____

ALH Name: _____

Site Address: _____

Registration posted (circle one): Yes / No For What Year: _____

Problems with:

Water? _____

Toilets/Bathing? _____

Living/Sleep area? _____

Sewage/Garbage? _____

Structure? _____

Field Sanitation? _____

Pesticides? _____

Comments: _____

BUREAU OF LABOR AND INDUSTRIES
Wage and Hour Division

OR-OSHA REFERRAL CHECKLIST

Date: _____

Name of Person Making Referral: _____

Telephone Number: _____

Name of Employer: _____

Business Address: _____

Name of Camp (if applicable): _____

Location of Worker(s): Field Camp Other (Specify) _____

Address: _____

POTENTIAL VIOLATIONS NOTED
(Check all that apply)

- Minimum wage or other pay violation(s) (unlawful deductions, failure to receive scheduled paycheck(s), etc.)
- Child labor (underage minor(s); minors operating farm-machinery; other hazardous employment)
- Unlicensed farm labor contractor
- Agricultural minimum wage poster (yellow) not posted
- Miscellaneous working conditions

Comments: _____

Please FAX to BOLI Farm Labor Unit
(503) 373-7636