

THE OREGON TREASURY SAVINGS NETWORK



April 2, 2020

Kevin Willingham
Rules Coordinator
Oregon State Treasury
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Dear Mr. Willingham,

RE: Notice of Proposed Rulemaking, Oregon Administrative Rule 170-080-0015

On October 16, 2019, temporary rules became effective that pushed back registration deadlines for certain employers that were outlined in Oregon Administrative Rule (OAR) 170-080-0015. In part, the temporary rule extended the deadline for those employers with four or fewer employees from May 15, 2020 to January 15, 2021.

On March 9, 2020 notice was sent to stakeholders that the agency is engaging in rulemaking to make the temporary rules permanent. Public comment was sought and the comment period is open through April 21, 2020.

Oregon Treasury Savings Network (OTSN) respectfully submits the enclosed comments for your consideration. Specifically, the OTSN recommends a technical adjustment to the rule that will create consistency within the requirements.

As addressed above, through the temporary rulemaking, and this proposed permanent rulemaking, OAR 170-080-0015(1)(b)(G) changes the registration date for employers “employing four (4) or fewer” employees to January 15, 2021 from May 15, 2020. However, pursuant to OAR 170-080-0015(1)(c)(B):

(c) In determining the Number of Employees for the purposes of this section, Employers shall use data as submitted on the 2016 4th quarter Oregon Quarterly Tax Report (Form OQ): Number of covered workers for Unemployment Insurance, except under the following circumstances:

[...]

(B) An employer with no Employees reported on Form OQ will have a Registration Date of May 15, 2020

The above is clearly an oversight since the previous (and proposed) rulemaking changes the registration deadline for employers with four *or fewer* employees to January 15, 2021. Additionally, prior to the adoption of the temporary rule, the Oregon Retirement Savings Board approved extending the registration deadline for employers with four or fewer employees out to January 15, 2021. OTSN’s request seeks alignment of the rules and that previous directive. As such, the registration deadline for employers with no employees reported on their Form OQ should conform with the registration requirements outlined in section 170-080-0015(1)(b)(G) for employers with “four (4) or fewer Employees.”

OTSN submits that this technical change should be included in the final version of the adopted permanent rule so that section OAR 170-080-0015(1)(c)(B) reads as follows:

(c) In determining the Number of Employees for the purposes of this section, Employers shall use data as submitted on the 2016 4th quarter Oregon Quarterly Tax Report (Form OQ): Number of covered workers for Unemployment Insurance, except under the following circumstances:

[...]

(B) An employer with no Employees reported on Form OQ will have a Registration Date of ~~May 15, 2020~~ **January 15, 2021**.

This technical change ensures consistency within the rule and makes the requirements of OAR 170-080-0015(1)(c)(B) conform with those under OAR 170-080-0015(1)(b)(G). For this reason, OTSN respectfully requests that this proposed language be adopted in the final, permanent rules.

Sincerely,



Michael Parker
Executive Director
Oregon Treasury Savings Network