
**Minutes of the
Oregon Retirement Savings Program
Conference Call of March 11, 2020**

Members Present: Treasurer Tobias Read, Chair
Jeff Anderson
Kara Backus
Edward Brewington
Cory Streisinger
Senator Lee Beyer

Members Absent: Representative Pam Marsh

Network Staff: David Bell, Deputy Director
Michael Parker, Executive Director
Sabra Purifoy, Operations Director
Missy Simpson, Executive Coordinator

Treasury Staff: Meredith Coba, Legislative and Outreach Coordinator
David Elott, Legal Counsel

The meeting was called to order at 3:00 p.m. by Treasurer Tobias Read, Chair.

Agenda Item 1 – Review and approval of the resolution to the Delegation of Authority – relating to full compliance (ACTION ITEM)

David Elott, Legal Counsel to the Board, gave a summary of the resolution proposing changes to the Delegation of Authority. The authority that was conferred on the Board by recent legislation to refer non-compliant employers for potential enforcement action by BOLI, is delegated to the Executive Director. The resolution is drafted to make it clear that all of the statutory requirements have to be met and the Executive Director provide a certification to BOLI that they have been met. A copy of the resolution to the Delegation of Authority is included as a part of the records for this Oregon Retirement Savings Program’s Board conference call.

MOTION: Board Member Jeff Anderson moved to approve the resolution making changes to the Delegation of Authority, seconded by Board Member Edward Brewington. The resolution making changes to the Delegation of Authority was approved by a 5/0 vote.

Mr. Brewington asked if the penalties to employers were specific for noncompliance. Treasurer Read informed Mr. Brewington that there is a specific schedule and will make sure staff sends that schedule to him.

PUBLIC COMMENT:

There was no public comment.

The meeting was adjourned at 3:05 p.m.

OREGON RETIREMENT SAVINGS BOARD

First Amendment to Resolution of the Board relating to Delegation of Authority to the Executive Director of Oregon Treasury Savings Network

March 2020

WHEREAS, the Oregon Retirement Savings Board (the “Board”) previously delegated to the Executive Director of the Oregon Treasury Savings Network (the “Executive Director”) certain authority to implement and administer the Oregon Retirement Savings Plan (the “Program”), pursuant to a resolution of the Board adopted June 13, 2018 (the “Delegation Resolution”);

WHEREAS, recently enacted legislation vests the Commissioner of the Bureau of Labor and Industries (the “Commissioner”) with certain authority to investigate and enforce employer compliance with the requirements of the Program and vests the Board with certain authority to request the Commissioner to investigate employer compliance with the Program; and

WHEREAS, to promote efficient administration of the Program, the Board desires to delegate to the Executive Director certain authority to request Commissioner investigations of employer compliance with the Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Delegation Resolution is hereby amended to add the following new Section 8:

Section 8. Enforcement Authority

The Executive Director of the Oregon Treasury Savings Network is authorized to request, pursuant to and in accordance with ORS 178.205(2)(h), that the Commissioner of the Bureau of Labor and Industries investigate an employer under ORS 178.255 to determine the employer’s compliance with the requirements of the Program. This authority is subject to the following conditions:

- a. The Executive Director, or the Executive Director’s designee, has made three attempts, using different means of communication when available, to bring the employer into compliance with the requirements of the Program;
- b. After the three attempts to bring the employer into compliance, the Executive Director has reasonable grounds to believe that the employer remains in violation of the requirements of the Program; and
- c. In the request to the Commissioner, the Executive Director certifies that three attempts were made to bring the employer into compliance with the requirements of the Program, certifies that different means of communication with the employer were used or that only one means of communication was available, and describes the grounds for the Executive Director’s belief that the employer remains in violation of the requirements of the Program.

ADOPTED THIS 11th day of March 2020.