

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on January 13, 2012 by the  
(Date prior to or same as filing date.)

Construction Contractors Board OAR 812  
(Agency and Division) (Administrative Rules Chapter Number)  
Catherine Dixon 700 Summer St NE Suite 300, Salem OR 97301 (503) 934-2185  
(Rules Coordinator) (Address) (Telephone)  
to become effective January 13, 2012 through July 11, 2012  
(Date upon filing or later) (A maximum of 180 days including the effective date.)

**RULE CAPTION**

Amend definition of employee for residential continuing education  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT:**

**AMEND:**  
812-021-0005

**SUSPEND:**

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Other Auth.:

Stats. Implemented: ORS 701.126

**RULE SUMMARY**

OAR 812-021-0005 is amended to clarify the definition of employee for the purposes of CCB Residential Continuing Education (RCE). The term "employee" does not mean a leased or temporary employee.

Craig P. Smith January 13, 2012  
Signature Printed name Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules..

ARC 940-2005

NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at [http://www.oregon.gov/CCB/Laws\\_Rules.shtml#Administrative\\_Rule\\_Notices](http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices). If you don't have web access, contact Cathy Dixon at (503) 934-2185 for assistance in receiving a copy.

## STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Construction Contractors Board

OAR 812

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendments to OAR 812

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)  
Amend definition of employee for residential continuing education

Statutory Authority: ORS 670.310, 701.126 & 701.235

Other Authority:

Stats. Implemented: ORS 701.126

Need for the Temporary Rule(s):

OAR 812-021-0005 is amended to clarify the definition of employee for the purposes of CCB Residential Continuing Education (RCE). The term "employee" does not mean a leased or temporary employee. Recently there has been confusion in the marketplace because of information in the marketplace falsely suggesting CCB licensees may hire temporary workers to perform RCE requirements. The confusion is especially acute among contractors who are up for renewal. Contractors are at risk of not only spending money on avoiding continuing education requirements rather than actually taking properly approved RCE courses, but are at risk of having their license suspended.

Documents Relied Upon, and where they are available: ORS 701 and OAR 812. Documents are on the agency website at [www.oregon.gov/ccb](http://www.oregon.gov/ccb) or a paper copy is available upon request.

Justification of Temporary Rule(s):

The CCB finds that following the permanent rulemaking process, instead of taking this temporary rulemaking action, would result in serious prejudice to the public interest. The agency needs to clarify the definition of employee immediately to stop any contractor from wasting money on hiring temporary workers with the intent of avoiding having to take proper RCE classes and to avoid getting their CCB license suspended.

Signature	Craig P. Smith Printed name	January 13, 2012 Date
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Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2005

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING  
A \*TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.  
(ORS 183.534)

FOR ADMINISTRATIVE RULES

AGENCY NAME: Construction Contractors Board  
ADDRESS: 700 Summer St. NE Ste 300  
CITY/STATE: Salem OR 97309  
PHONE: (503) 378-4621

PERMANENT:

HEARING DATE:

TEMPORARY:

EFFECTIVE DATE: January 13, 2012

**BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL  
RESULT FROM THIS PROPOSED CHANGE.**

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.  
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

**Description of proposed change:** (Please attach any draft or permanent rule or ordinance)

OAR 812-021-0005 is amended to clarify the definition of employee for the purposes of CCB Residential Continuing Education (RCE). The term "employee" does not mean a leased or temporary employee.

**Description of the need for, and objectives of the rule:**

OAR 812-021-0005 is amended to clarify the definition of employee for the purposes of CCB Residential Continuing Education (RCE). The term "employee" does not mean a leased or temporary employee. Recently there has been confusion in the marketplace because of information in the marketplace falsely suggesting CCB licensees may hire temporary workers to perform RCE requirements. The confusion is especially acute among contractors who are up for renewal. Contractors are at risk of not only spending money on avoiding continuing education requirements rather than actually taking properly approved RCE courses, but are at risk of having their license suspended.

**List of rules adopted or amended:**

812-021-0005

**Materials and labor costs increase or savings:**

The rule amendments have no known impact on materials and labor costs.

**Estimated administrative construction or other costs increase or savings:**

The rule amendments have no measurable impact on administrative construction or other cost increases or savings.

**Land costs increase or savings:**

The rule amendments have no measurable impact on the cost of new home or a building lot.

**Other costs increase or savings:**

The proposed rules have no known fiscal impact on state agencies, units of local government or the public. The rule amendment may save some CCB licensees from wasting money paying for a temporary worker to take their continuing education for them, which they will not be able to use to meet their continuing education requirements.

\*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

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## 812-021-0005

### Definitions – Continuing Education for Residential Contractors

The following definitions apply to OAR 812-021-0000 to 812-021-0047:

- (1) “BEST” means Building Exterior Shell Training.
  - (2) “Building code” means a specialty code as defined in ORS 455.010(7).
  - (3) “Employee” means any individual employed by a contractor. “Employee” does not include **either a subcontractor, which is an independent contractor, or a leased or temporary employee.**
  - (4) “‘Green’ or sustainable building practices” means the practice of increasing the efficiency with which buildings use resources such as energy, water, and materials, while reducing building impacts on human health or the environment.
  - (5) “License period” means the two-year period from the date a contractor’s license is first issued or last renewed until the date the license is next scheduled to expire.
  - (6) “Officer” means an individual person as defined in OAR 812-002-0533.
  - (7) “Owner” means an individual person as defined in OAR 812-002-0537.
  - (8) “Residential contractor” means a licensed contractor as defined in ORS 701.005(12).
  - (9) “Responsible managing individual (RMI)” means an individual person as defined in ORS 701.005(15).
- Stat. Auth.: ORS 670.310, 701.126 & 701.235  
Stats. Implemented: ORS 701.126  
(6/09, temp. 1/13/12 eff. 1/13/12)