

State Agencies That Have Adopted Mediation Confidentiality Rules per ORS 36.224

(Updated 12/1/2015)

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ORS 36.220 through 36.238 authorize state agency participation in a confidential mediation. For most agencies, the confidentiality and inadmissibility provisions of this law are available only by adopting rules developed by the Attorney General pursuant to ORS 36.224. The Attorney General has developed two mediation confidentiality rules: A rule for the mediation of workplace interpersonal disputes and a rule covering most other mediations. Agencies may adopt either rule or both rules. With the passage of [SB 189 \(2015\)](#) the adoption of mediation confidentiality rules has changed and agencies may now adopt these rules by reference, as they do with any other model rule. See <https://www.doj.state.or.us/oregon-department-of-justice/client-resources/attorney-general-model-rules/> for additional information.

Agency	OAR	Type	Rule Caption	DOJ version	Temp Effective	Perm Effective
Accountancy, Board Of	801-001-0050	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	10-15-03 thru 3-15-04	1-1-04
Administrative Services, Department of (DAS)	125-140-0010	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		5/1/99
Administrative Services, Department of (DAS)	125-140-0020	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		5/26/99
Agriculture, Department of	603-005-0001	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		5/28/99
Blind, Commission for the	410-006-0011 Renumbered to 407-014-0200	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		3/1/99
Blind, Commission for the	410-006-0021 Renumbered to 407-014-0205	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		3/1/99
Board Of Chiropractic Examiners	811-001-0070	Perm	Mediation Communications	Combined Rule		10-15-01
Construction Contractors Board	812-001-0040 Renumbered to 812-001-0500	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		4/1/99, 6/1/02, 12/10/04 7/1/08
Construction Contractors Board	812-001-0050 Renumbered to 812-001-0510	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		4/1/99 1/1/06
Consumer And Business Services, Department Of	440-055-0008	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		1-1-04

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Consumer and Business Services, Department of	440-055-0010	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		3/22/01
Consumer and Business Services, Department of - Insurance Division	836-005-0500 through 836-005-0560	Perm	Mediation Confidentiality Rules; Scope of Mediation Confidentiality Rules; Broad Confidentiality for Specified Mediations; Disclosure of Mediation Communications in Subsequent Proceedings; Mediator May Not Disclose Mediation Communications	Rules A - P		11/7/98 Repealed
Corrections, Department of	291-001-0110	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications	Simplified Workplace	6-1-06 thru 11-27-06	7-20-07
Dentistry, Board of	818-001-0025	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		7/1/00
Education, Department of	581-001-0110	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		1/29/01
Education, Department of	581-001-0115	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		1/29/01
Employment Department	471-008-0000	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		5/5/99
Employment Relations Board	115-040-0040	Perm	Exemption from Disclosure under ORS192.410 to 192.505 and Inadmissibility of Mediation Communications Pursuant to ORS 40.190 (OEC Rule 408)	Rule A	5/1/98 to 10/27/98	10/27/98
Employment Relations Board	115-040-0041	Perm	Applicability of Mediator Disclosure Rules	Rule M	5/1/98 to 10/27/98	10/27/98
Employment Relations Board	115-040-0042	Perm	Mediator May Not Disclose Mediation Communications in Subsequent Proceedings	Rule N	5/1/98 to 10/27/98	10/27/98
Employment Relations Board	115-040-0043	Perm	Mediator May Disclose Certain Mediation Communications	Rule O	5/1/98 to 10/27/98	10/27/98
Employment Relations Board	115-040-0044	Perm	Notice of Disclosure of Mediation Communications	Rule P	5/1/98 to 10/27/98	10/27/98
Energy Facility Siting Council	345-015-0500	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		4/14/99
Environmental Quality, Department of	340-011-0003	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		12/11/00
Environmental Quality, Department of	340-011-0004	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		12/11/00
Fish and Wildlife, Oregon department of	635-001-0341	Temp	Confidentiality and Inadmissibility of Mediation Communications	Model Rule 137-005-0052 (Oct 2015)		8-14-15 thru 2-8-16
Forestry, Department of	629-041-0200	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	9-15-04 thru 3-13-05	1-7-05
Geologist Board of Examiners	809-001-0035	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	4-6-04 thru 10-3-04	6-23-04

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Health Authority, Oregon	913-014-0200 renumbered to 943-014-0200	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		11-1-11
Health Authority, Oregon	913-014-0205 renumbered to 943-014-0205	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		11-1-11
Higher Education, Department of (Oregon University System)	580-001-0030	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	12/21/00 thru 6/15/01	4/27/01
Housing and Community Services Department, Oregon	813-004-0001	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		3/28/13
Housing and Community Services Department, Oregon	813-004-0002	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		3/28/13
Human Services, Department of (DHS)	410-006-0011 Renumbered to 407-014-0200	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		3/1/99
Human Services, Department of (DHS)	410-006-0021 Renumbered to 407-014-0205	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		3/1/99
Human Services, Department of (DHS) - Mental Health and Disability Services	309-012-0300	Temp	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		Repealed 3/1/99
Human Services, Department of (DHS) - Mental Health and Disability Services	309-012-0310	Temp	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		Repealed 3/1/99
Human Services, Department of (DHS) - State Office for Services to Children and Families	413-010-0150	Temp	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	11/9/98 to 5/8/99	Repealed 3/1/99
Justice, Department of (DOJ)	137-008-0100	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	8/12/98 to 12/12/98	12/1/98 and 1/25/99
Justice, Department of (DOJ)	137-005-0052	Perm	Confidentiality and Inadmissibility of Mediation Communications	This is the DOJ model rule adopted in 10/15 for use by all state agencies per SB 189 (2015)		11/21/15
Justice, Department of (DOJ)	137-005-0054	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Mediation Communications	This is the DOJ model rule adopted in 10/15 for use by all state agencies per SB 189 (2015)		11/21/15
Labor and Industries, Bureau of	839-051-0010	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	10/6/98 to 3/27/99	12/17/98
Labor and Industries, Bureau of	839-051-0020	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		12/17/98

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Land Conservation and Development, Department of (DLCD)	660-001-0400	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		1/6/99
Land Conservation and Development, Department of (DLCD)	660-001-0410	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		1/6/99
Landscape Contractors Board	808-001-0050	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		5/4/99
Landscape Contractors Board	808-001-0060	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		5/4/99
Liquor Control Commission	845-001-0008	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		9/1/01
Liquor Control Commission	845-001-0009	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		9/1/01
Lottery	177-010-0011	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		7/1/08
Massage Therapists, Board of	334-001-0051	temp	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace	6-26-09 thru 12-1-09	
Medical Board	847-006-0000	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	1/26/99 to 7/16/99	4/22/99
Medical Imaging, Board of	337-001-0025	Perm	Confidentiality and Inadmissibility of Mediation Communication	Combined Rule		8/15/03
Occupational Therapy Licensing Board	339-001-0018	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		1/12/01
Oregon 529 College Savings Board	173-001-0015	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		9/14/10
Oregon State Police, Department of	257-090-0010	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		9-22-05
Oregon Youth Authority	416-700-0011	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		12/12/00
Psychologist Examiners, Board of	858-020-0205	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		7/6/99
Public Employees Retirement	459-060-0200	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		12/5/00
Public Employees Retirement	459-060-0210	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		12/5/00
Public Utility Commission	860-016-0015	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		6/10/03
Speech-Language Pathology & Audiology, Board of Examiners for	335-090-0010	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		3/12/01
State Lands, Department of	141-001-0020	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		12/10/08
State Library	543-001-0010	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	2/22/99 to 8/1/99	6/21/99

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Transportation, Department of	OAR 731-001-0720	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		March 26, 2007
Transportation, Department of	OAR 731-001-0730	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		March 26, 2007
Transportation, Department of	731-001-0100 thru 731-001-0160	Perm	Confidentiality of Dispute Resolution by Mediation - Highway Construction Claims	Rule A-P		8/20/98 Repealed March 26, 2007
Transportation, Department of	731-001-0170 thru 731-001-0250	Perm	Confidentiality of Dispute Resolution by Mediation - Environmental Remediation	Rule A-P		8/20/98 Repealed March 26, 2007
Transportation, Department of	731-001-0260 thru 731-001-0340	Perm	Confidentiality of Dispute Resolution by Mediation - Right Of Way	Rule A-P		8/20/98 Repealed March 26, 2007
Transportation, Department of	731-001-0350 thru 731-001-0710	Perm	Confidentiality of Dispute Resolution by Mediation –Pre litigation; Confidentiality of Dispute Resolution by Mediation - Collective Bargaining; Confidentiality of Dispute Resolution by Mediation -Tort Claims; Confidentiality of Dispute Resolution by Mediation - Employee Disputes	Rule A-P		8/20/98 Repealed March 26, 2007
Treasury	170-001-0020	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	8/13/98 to 12/13/98	12/14/98
Veterans Affairs, Department of	274-007-0001	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		7/26/10
Veterans Affairs, Department of	274-007-0002	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		7/26/10
Water Resources Department	690-004-0010	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule	5/11/98 to 11/6/98	11/2/98 and 3/23/99
Water Resources Department	690-004-0030	Perm	Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications	Simplified Workplace		3/23/99
Water Resources Department	690-004-0020	Perm	Applicability of Rules and Inadmissibility of Certain Mediation Communications in Large, Multi-Party Mediation	Rule T	5/11/98 to 11/6/98	11/2/98
Youth Development Division, Department of Education	423-001-0007	Perm	Confidentiality and Inadmissibility of Mediation Communications	Combined Rule		1/14/02