

Senate Bill 984

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires employer in industry with requirement to pay overtime after certain number of hours worked by employee in one day to calculate applicable overtime pay for employee on daily and weekly basis and pay greater of two amounts.

A BILL FOR AN ACT

1
2 Relating to calculation of overtime for employee who exceeds maximum allowable hours during
3 workweek; amending ORS 652.020 and 653.265.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 652.020 is amended to read:

6 652.020. (1)(a) No person shall be employed in any mill, factory or manufacturing establishment
7 in this state more than 10 hours in any one day, or in sawmills, planing mills, shingle mills and
8 logging camps more than eight hours, exclusive of one hour, more or less, in one day or more than
9 48 hours in one calendar week, except logging train crews, guards, boiler operators and persons
10 engaged in the transportation to and from work, and employees when engaged in making necessary
11 repairs, or in the case of emergency where life and property are in imminent danger. However,
12 employees may work overtime not to exceed three hours in one day, conditioned that payment be
13 made for said overtime at the rate of time and one-half the regular wage.

14 **(b) If an employee exceeds the applicable limit for the maximum allowable hours of em-**
15 **ployment in one day and in one calendar week described in paragraph (a) of this subsection,**
16 **the employer shall calculate overtime payment on a daily and weekly basis and pay the**
17 **greater amount.**

18 (2) No employer shall require or permit any person to work in any place mentioned in this
19 section more than the hours provided for in this section during any day of 24 hours. No employer
20 shall permit or suffer an overseer, superintendent or other agent of the employer to violate this
21 section.

22 (3) This section does not apply to persons employed in the care of quarters or livestock, con-
23 ducting messhalls, superintendence and direction of work, or to the loading and removal of the fin-
24 ished forest product.

25 (4) Subsections (1) and (2) of this section do not apply to employees who are represented by a
26 labor organization for purposes of collective bargaining with their employer, provided limits on the
27 required hours of work and overtime payment have been agreed to between the employer and labor
28 organization, or if no agreement is reached, then, for the purposes of this subsection, such limits and
29 payments shall not be deemed to be changed from the previous collective bargaining agreement be-
30 tween the employer and labor organization unless the employees have been locked out, are engaged
31 in a strike or the employer has unilaterally implemented new terms and conditions of employment.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **SECTION 2.** ORS 653.265 is amended to read:

2 653.265. (1) When employed in canneries or driers or packing plants, excluding canneries or
3 driers or packing plants located on farms and primarily processing products produced on such farms,
4 employees shall be paid time and a half for time over 10 hours per day and piece workers shall be
5 paid one and a half the regular prices for all work done during the time they are employed over 10
6 hours per day.

7 **(2) If an employee described in subsection (1) of this section works over 10 hours in one**
8 **day and exceeds the applicable limit for the maximum allowable hours of employment in one**
9 **calendar week, the employer shall calculate overtime payment on a daily and weekly basis**
10 **and pay the greater amount.**

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