

House Bill 2358

Sponsored by Representatives SALINAS, HOLVEY, RUIZ, Senator FREDERICK (Presession filed.)

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**.

Prohibits employers from permitting or requiring agricultural workers to work in excess of 40 hours in one workweek unless workers are compensated for overtime hours worked.

A BILL FOR AN ACT

1
2 Relating to overtime.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) "Agricultural worker" means an individual who performs services in agriculture for
6 an employer in exchange for an agreed remuneration or rate of pay.

7 (b) "Agriculture" includes:

8 (A) Farming in all its branches, including the cultivation and tillage of the soil;

9 (B) Dairying;

10 (C) The production, cultivation, growing and harvesting of any agricultural or
11 horticultural commodities;

12 (D) The raising of livestock, bees, fur-bearing animals or poultry; and

13 (E) Any other practices performed by a farmer or on a farm as an incident to or in
14 conjunction with farming operations, including preparation for market, delivery to storage
15 or to market, or delivery to carriers for transportation to market.

16 (c) "Workweek" means a fixed period of time established by an employer that reflects a
17 regularly recurring period of 168 hours or seven consecutive 24-hour periods.

18 (2) Except as provided in subsection (3) of this section, an employer may not permit or
19 require an agricultural worker to work more than 40 hours in any workweek.

20 (3) An employer may permit or require an agricultural worker to work more than 40
21 hours in one workweek if the employer compensates the worker as follows:

22 (a) One and one-half times the worker's regular rate of pay for each hour the worker
23 works over 40 hours in one workweek; or

24 (b) One and one-half times the regular price for all work done on a piece-rate basis dur-
25 ing each overtime hour the worker works over 40 hours in one workweek.

26 (4)(a) For the purpose of determining a workweek, a workweek may begin on any day of
27 the week and at any hour of the day and need not coincide with a calendar week.

28 (b) The beginning of the workweek may be changed if the change is intended to be per-
29 manent and is not designed to evade overtime requirements.

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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.