

House Bill 3325

Sponsored by Representative HAYDEN

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**.

Allows employers to deduct value of certain benefits from minimum wage to be paid employees.

A BILL FOR AN ACT

Relating to deductions for certain employer-paid benefits from the minimum wage; amending ORS 653.035.

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

SECTION 1. ORS 653.035 is amended to read:

653.035. (1) Employers may deduct from the minimum wage to be paid employees under ORS 653.025, 653.030 or 653.261, the fair market value of:

(a) Lodging, meals or other facilities or services furnished by the employer for the private benefit of the employee[.]; **and**

(b) **Health benefit, retirement benefit or paid time off that is paid by the employer and earned by the employee, provided that the amount of compensation payable in legal tender that is subject to deductions, charges or allowances is not lower than the federal minimum wage, as established under the federal Fair Labor Standards Act.**

(2) Employers may include commission payments to employees as part of the applicable minimum wage for any pay period in which the combined wage and commission earnings of the employee will comply with ORS 653.010 to 653.261. In any pay period where the combined wage and commission payments to the employee do not add up to the applicable minimum wage under ORS 653.010 to 653.261, the employer shall pay the minimum rate as prescribed in ORS 653.010 to 653.261.

(3) Employers, including employers regulated under the federal Fair Labor Standards Act, may not include any amount received by employees as tips in determining the amount of the minimum wage required to be paid by ORS 653.010 to 653.261.

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.