

Senate Bill 1026

Sponsored by Senators HEARD, JOHNSON, ROBLAN, Representatives GOMBERG, MCKEOWN, SMITH DB

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 employers of seafood processors to calculate applicable overtime pay for employees on daily and weekly basis and pay greater of two amounts.

Removes substantive language from definition of "workweek."

A BILL FOR AN ACT

1
2 Relating to seafood processing; amending ORS 653.263.

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

4 **SECTION 1.** ORS 653.263 is amended to read:

5 653.263. (1) As used in this section:

6 (a) "Seafood processor" means a cannery, drier or packing plant that processes seafood.

7 (b) "Workweek" means a fixed period of time established by an employer that reflects a regu-
8 larly recurring period of 168 hours or seven consecutive 24-hour periods. [*A workweek may begin*
9 *on any day of the week and any hour of the day and need not coincide with a calendar week. The*
10 *beginning of the workweek may be changed if the change is intended to be permanent and is not de-*
11 *signed to evade overtime requirements.*]

12 (2) An employer may not require or permit an employee employed by a seafood processor to
13 work more than 10 hours in any one day unless the employer compensates the employee as follows:

14 (a) One and one-half times the employee's regular rate of pay for each hour the employee works
15 over 10 hours in any one day if the employee is an hourly employee; or

16 (b) One and one-half times the regular price for all work done during the time the employee is
17 employed over 10 hours per day if the employee is a piece worker.

18 (3) This section does not apply to:

19 (a) An employee who is engaged in manufacturing, as defined in ORS 652.020; or

20 (b) An employee whose principal duties are administrative in nature or who does not otherwise,
21 in the usual course of the employee's duties, come into contact with the direct processing of goods.

22 **(4)(a) For the purpose of calculating a workweek under this section, a workweek may**
23 **begin on any day of the week and at any hour of the day and need not coincide with a cal-**
24 **endar week.**

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

27 **(5) A seafood processor shall calculate an employee's overtime compensation on a daily**
28 **basis under subsection (2) of this section and on a weekly basis under ORS 653.261 (1) and**
29 **pay the greater of the two amounts if, during the same workweek, the employee works more**
30 **than:**

31 **(a) Ten hours in any one day; and**

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 **(b) Forty hours in one workweek as described in ORS 653.261 (1).**

2 **(6) A seafood processor that makes an overtime payment to an employee pursuant to**
3 **subsection (5) of this section satisfies the overtime compensation requirements under this**
4 **section and ORS 653.261 (1).**

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