

SB 1513 -4 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 2/3, 2/8, 2/10

WHAT THE MEASURE DOES:

Prohibits an employer from taking an adverse employment action against an employee of a bakery or tortilla manufacturer who refuses to work a mandatory overtime shift unless the employee receives at least two weeks' advanced notice of the overtime shift.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Replaces the requirement for an employer to provide two weeks notice to an employee of a mandatory overtime shift with a requirement for the employer to provide five days notice. Requires the notice to include the date and time of the overtime shift. Provides that an adverse employment action taken by an employer against an employee for the employee's refusal to work a mandatory overtime shift when the employee has not received notice of the mandatory shift is an unlawful practice subject to enforcement by the Commissioner of the Bureau of Labor and Industries.

BACKGROUND:

In 2017, the Legislative Assembly passed House Bill 3458, placing overtime pay requirements on employers in the manufacturing and food industry sectors. The law generally prohibits employers in these sectors from requiring an employee to work more than 55 hours in a workweek unless the employee consents in writing to work up to 60 hours. In cases of the employer's undue hardship employees may work up to 84 hours per workweek for no more than four workweeks, and up to 80 hours per workweek for 17 workweeks per year. Employers in these sectors must calculate both daily and weekly overtime for employees who work more than 55 hours in a workweek and pay the greater of the two calculations.

Current law places certain prohibitions on employers in the manufacturing and food industry sectors. Employers in these sectors generally may not require an employee to begin a work session less than ten hours after the end of the employee's previous work shift if the previous work shift was at least eight hours in length. Employers also may not require or permit an employee to work more hours than are otherwise permitted within a 24-hour period.

Senate Bill 1513 adds a new prohibition for employers in the bakery or tortilla manufacturing sector. Employers in this sector may not take an adverse employment action against an employee who refuses to work a mandatory overtime shift without at least two weeks' advance notice by the employer.