

SB 1513 A STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/21, 2/23

WHAT THE MEASURE DOES:

Prohibits an employer from taking an adverse employment action against any employee who is employed in a bakery or tortilla manufacturing establishment and who refuses to work a mandatory overtime shift unless the employee has received at least five days advanced notice of the overtime shift. Requires 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.

Senate Vote: Ayes, 24; Nays, 2--Girod, Linthicum; Absent, 1--Heard; Excused, 3--Boquist, Gelsner Blouin, Robinson

Minimal fiscal impact; no revenue impact

ISSUES DISCUSSED:

- Stories of workers disciplined by their employer for refusing to accept an overtime shift offered with little or no notice
- Impact of worker shortage on manufacturing industry
- Purpose of five-day notice is to create an acceptable window for workers to plan their life around

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law generally prohibits an employer from requiring an employee in a mill, factory, or other manufacturing establishment to work more than 10 hours in a day or 55 hours in a workweek. If the employer processes perishable products, the employer may claim undue hardship by providing notice the Commissioner of the Bureau of Labor and Industries and obtaining written consent from any employees asked to work more than 55 hours in a workweek. During the undue hardship period, consenting employees may be required or permitted to work up to 84 hours per week for four workweeks and up to 80 hours per week for the remainder of the period. An employer may be eligible for multiple undue hardship periods during a calendar year, but the total duration may not exceed 21 workweeks in a calendar year. Even during an undue hardship period, an employer may not require any employee to work more than 13 hours in a day or begin a work shift less than 10 hours after the end of a work shift of at least 8 hours.

Oregon's predictive scheduling law requires employers with at least 500 employees worldwide in the retail, hospitality, and food service industries to give employees a written work schedule at least two weeks in advance and establishes financial penalties of up to one and one-half the employee's regular rate of pay for changes to the schedule without advance. The law gives employees the right to provide input on their work schedule and the right to at least 10 hours between shifts. Oregon's predictive scheduling law does not apply to the state's manufacturing industries.

Senate Bill 1513 A prohibits bakery and tortilla manufacturers from taking adverse employment action against an employee who refuses to work a mandatory overtime shift without at least five days notice that includes the date

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and time of the shift. The measure establishes that violations are enforceable by complaint to the Bureau of Labor and Industries.

PRELIMINARY