

SB 631 -1 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 2/2, 3/23

WHAT THE MEASURE DOES:

Allows employee of certain state agency employers to refuse mandatory overtime shift if employee has already worked one mandatory overtime shift in same month. Prohibits specified state agency employer from taking adverse employment action against employee for refusing additional overtime shift. Prohibits specified state agency employer from requiring employee to take leave without pay or paid leave for refusal to work additional overtime shift.

ISSUES DISCUSSED:

- Examples of impact of mandatory overtime on employees within Department of Corrections, Oregon State Hospital, and Stabilization and Crisis Units
- Requirement and retention issues contributing to need for mandatory overtime
- Intent of measure to apply to Department of Corrections, Oregon State Hospital, and Stabilization and Crisis Unit
- Potential impact of measure on agencies with workforce shortage

EFFECT OF AMENDMENT:

-1 Replaces measure. Allows public employee of specified public employers to refuse to work one scheduled mandatory overtime shift a week without risk of discipline, retaliation, or adverse employment action. Prohibits specified public employers from disciplining, retaliating, or taking any adverse employment action against employee refusing to work one scheduled mandatory overtime shift a week or requiring employee to take leave without paid or use accrued leave.

BACKGROUND:

Currently, employees of any public employer are entitled to overtime pay at one and one-half times the regular rate for work in excess of 40 hours a week, if budget funds are available. If funds are not available, then employees are entitled to compensatory time off at the same rate. There are several exceptions to this requirement, including for security personnel working in corrections institutions.

In 2016, the Oregon Department of Corrections (department) began a strategic 10-year plan to reduce mandatory overtime. In past years, department employees identified staffing and mandatory overtime as top priorities for the department to address. In 2019, the Legislative Assembly enacted restrictions on the amount of mandatory overtime nursing staff at department facilities may be required to work, with specified exceptions.

Stabilization and Crisis Units (SACU) are a 24-hour crisis residential program operating under the Department of Human Services, Office of Developmental Disabilities. SACU serves individuals with intellectual and developmental disabilities whose needs cannot be met by community-based residential programs. It was estimated that SACU had a 13.37 percent vacancy rate in August 2022.

The Oregon State Hospital (OSH) provides psychiatric treatment to persons throughout Oregon who require a hospital-level of care. OSH provides 24-hour onsite nursing and psychiatric care for certain committed persons, such as those civilly committed by a court or found guilty except for insanity. It was estimated that employees at OSH worked over 12,000 hours of mandatory overtime in 2022.

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Senate Bill 631 allows employees of a state agency employer that operates and is staffed 24 hours a day, 365 days a year, to refuse mandatory overtime if the employee has already worked one mandatory overtime shift in the same month.