

# House Bill 3498

Sponsored by Representative CHAICHI

## 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**.

Provides statewide minimum wage rate beginning on July 1, 2024. Establishes scheduled rate increases beginning on July 1, 2025. Requires Commissioner of Bureau of Labor and Industries to index minimum wage rates to inflation after June 30, 2030.

Modifies weekly hourly threshold at which overtime compensation must be paid.

Makes conforming amendments.

## A BILL FOR AN ACT

1  
2 Relating to minimum conditions of employment; creating new provisions; and amending ORS 137.103,  
3 279B.020, 279B.235, 279C.520, 279C.540, 315.262, 411.892, 464.250, 652.020, 653.010, 653.020,  
4 653.025, 653.030, 653.033, 653.035, 653.045, 653.050, 653.070, 653.256, 653.261, 653.265, 653.268 and  
5 653.606.

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

## MINIMUM WAGE

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8  
9  
10 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 653.010 to**  
11 **653.261.**

12 **SECTION 2. (1) Beginning on July 1, 2024, until June 30, 2025, every employer shall pay**  
13 **wages to an employee at a rate of at least \$15 for each hour of work time that an employee**  
14 **is gainfully employed by the employer.**

15 **(2) Beginning on July 1, 2025, the minimum wage rate shall be \$1 more than the minimum**  
16 **wage established under subsection (1) of this section, and shall be increased by \$1 for each**  
17 **succeeding year thereafter, until June 30, 2030.**

18 **(3) After June 30, 2030, beginning on July 1 of each year, the minimum wage rate shall**  
19 **be adjusted annually for inflation as described in subsection (4) of this section.**

20 **(4)(a) No later than April 30 of each year, beginning in 2030, the Commissioner of the**  
21 **Bureau of Labor and Industries shall, by rule, calculate an adjustment of the minimum wage**  
22 **rate specified under subsection (3) of this section based upon the increase, if any, from**  
23 **March of the preceding year to March of the year in which the calculation is made in the**  
24 **U.S. City Average Consumer Price Index for All Urban Consumers for All Items as prepared**  
25 **by the Bureau of Labor Statistics of the United States Department of Labor or its successor.**

26 **(b) The minimum wage rate as adjusted under this subsection shall be rounded to the**  
27 **nearest five cents.**

28 **(c) The minimum wage rate as adjusted under this subsection becomes effective as the**  
29 **new Oregon minimum wage rate, replacing the minimum wage rate specified in subsection**  
30 **(3) of this section, on July 1 of the year in which the calculation is made.**

**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       **(5) An employer may not reduce the wages that an employer pays to an employee to**  
 2 **comply with the requirements of this section.**

3       **SECTION 3.** ORS 653.025 is amended to read:

4       653.025. (1) Except as provided in subsections (2) and (3) of this section, ORS 652.020 and the  
 5 rules of the Commissioner of the Bureau of Labor and Industries issued under ORS 653.030 and  
 6 653.261, for each hour of work time that the employee is gainfully employed, no employer shall em-  
 7 ploy or agree to employ any employee at wages computed at a rate lower than:

8       (a) For calendar year 2003, \$6.90.

9       (b) From January 1, 2004, to June 30, 2016, a rate adjusted for inflation as calculated by the  
 10 commissioner.

11       (c) From July 1, 2016, to June 30, 2017, \$9.75.

12       (d) From July 1, 2017, to June 30, 2018, \$10.25.

13       (e) From July 1, 2018, to June 30, 2019, \$10.75.

14       (f) From July 1, 2019, to June 30, 2020, \$11.25.

15       (g) From July 1, 2020, to June 30, 2021, \$12.

16       (h) From July 1, 2021, to June 30, 2022, \$12.75.

17       (i) From July 1, 2022, to June 30, 2023, \$13.50.

18       (j) *[After June 30, 2023, beginning on July 1 of each year,]* **From July 1, 2023, to June 30, 2024,**  
 19 a rate adjusted *[annually]* for inflation as described in subsection (5) of this section.

20       **(k) Beginning on July 1, 2024, and every year thereafter, a rate determined under section**  
 21 **2 of this 2023 Act.**

22       (2) If the employer is located within the urban growth boundary of a metropolitan service dis-  
 23 trict organized under ORS chapter 268, except as provided by ORS 652.020 and the rules of the  
 24 commissioner issued under ORS 653.030 and 653.261, for each hour of work time that the employee  
 25 is gainfully employed, no employer shall employ or agree to employ any employee at wages computed  
 26 at a rate lower than:

27       (a) From July 1, 2016, to June 30, 2017, \$9.75.

28       (b) From July 1, 2017, to June 30, 2018, \$11.25.

29       (c) From July 1, 2018, to June 30, 2019, \$12.

30       (d) From July 1, 2019, to June 30, 2020, \$12.50.

31       (e) From July 1, 2020, to June 30, 2021, \$13.25.

32       (f) From July 1, 2021, to June 30, 2022, \$14.

33       (g) From July 1, 2022, to June 30, 2023, \$14.75.

34       (h) *[After June 30, 2023,]* **From July 1, 2023, to June 30, 2024,** \$1.25 per hour more than the  
 35 minimum wage determined under subsection (1)(j) of this section.

36       **(i) Beginning on July 1, 2024, and every year thereafter, a rate determined under section**  
 37 **2 of this 2023 Act.**

38       (3) If the employer is located within a nonurban county as described in ORS 653.026, except as  
 39 provided by ORS 652.020 and the rules of the commissioner issued under ORS 653.030 and 653.261,  
 40 for each hour of work time that the employee is gainfully employed, no employer shall employ or  
 41 agree to employ any employee at wages computed at a rate lower than:

42       (a) From July 1, 2016, to June 30, 2017, \$9.50.

43       (b) From July 1, 2017, to June 30, 2018, \$10.

44       (c) From July 1, 2018, to June 30, 2019, \$10.50.

45       (d) From July 1, 2019, to June 30, 2020, \$11.

1 (e) From July 1, 2020, to June 30, 2021, \$11.50.

2 (f) From July 1, 2021, to June 30, 2022, \$12.

3 (g) From July 1, 2022, to June 30, 2023, \$12.50.

4 (h) *[After June 30, 2023,]* **From July 1, 2023, to June 30, 2024**, \$1 per hour less than the mini-  
 5 mum wage determined under subsection (1)(j) of this section.

6 **(i) Beginning on July 1, 2024, and every year thereafter, a rate determined under section**  
 7 **2 of this 2023 Act.**

8 (4) The commissioner shall adopt rules for determining an employer’s location under subsection  
 9 (2) of this section.

10 (5)(a) The Oregon minimum wage shall be adjusted for inflation as provided in paragraph (b) of  
 11 this subsection.

12 (b) No later than April 30, *[of each year, beginning in]* 2023, the commissioner shall calculate  
 13 an adjustment of the wage amount specified in subsection (1)(j) of this section based upon the in-  
 14 crease, if any, from March of the preceding year to March of the year in which the calculation is  
 15 made in the U.S. City Average Consumer Price Index for All Urban Consumers for All Items as  
 16 prepared by the Bureau of Labor Statistics of the United States Department of Labor or its suc-  
 17 cessor.

18 (c) The wage amount as adjusted under this subsection shall be rounded to the nearest five  
 19 cents.

20 *[(d) The wage amount as adjusted under this subsection becomes effective as the new Oregon*  
 21 *minimum wage amount, replacing the minimum wage amount specified in subsection (1)(j) of this sec-*  
 22 *tion, on July 1 of the year in which the calculation is made.]*

23  
 24 **OVERTIME HOURS**

25  
 26 **SECTION 4.** ORS 653.261 is amended to read:

27 653.261. (1)(a) The Commissioner of the Bureau of Labor and Industries may adopt rules pre-  
 28 scribing such minimum conditions of employment, excluding minimum wages **except as otherwise**  
 29 **provided in section 2 of this 2023 Act**, in any occupation as may be necessary for the preservation  
 30 of the health of employees. The rules may include, but are not limited to, minimum meal periods and  
 31 rest periods, and maximum hours of work, but not less than eight hours per day or 40 hours per  
 32 workweek[; *however,*]. After [40] **32** hours of work in one workweek overtime [*may*] **shall** be paid,  
 33 but in no case at a rate higher than one and one-half times the regular rate of pay of the employees  
 34 when computed without benefit of commissions, overrides, spiffs and similar benefits.

35 (b) As used in this subsection, “workweek” means a fixed period of time established by an em-  
 36 ployer that reflects a regularly recurring period of 168 hours or seven consecutive 24-hour periods.  
 37 A workweek may begin on any day of the week and any hour of the day and need not coincide with  
 38 a calendar week. The beginning of the workweek may be changed if the change is intended to be  
 39 permanent and is not designed to evade overtime requirements.

40 (2) Rules adopted by the commissioner pursuant to subsection (1) of this section do not apply  
 41 to individuals employed by this state or a political subdivision or quasi-municipal corporation  
 42 thereof if other provisions of law or collective bargaining agreements prescribe rules pertaining to  
 43 conditions of employment referred to in subsection (1) of this section, including meal periods, rest  
 44 periods, maximum hours of work and overtime.

45 (3) Rules adopted by the commissioner pursuant to subsection (1) of this section regarding meal

1 periods and rest periods do not apply to nurses who provide acute care in hospital settings if pro-  
 2 visions of collective bargaining agreements entered into by the nurses prescribe rules concerning  
 3 meal periods and rest periods.

4 (4)(a) The commissioner shall adopt rules regarding meal periods for employees who serve food  
 5 or beverages, receive tips and report the tips to the employer.

6 (b) In rules adopted by the commissioner under paragraph (a) of this subsection, the commis-  
 7 sioner shall permit an employee to waive a meal period. However, an employer may not coerce an  
 8 employee into waiving a meal period.

9 (c) Notwithstanding ORS 653.256 (1), in addition to any other penalty provided by law, the  
 10 commissioner may assess a civil penalty not to exceed \$2,000 against an employer that the commis-  
 11 sioner finds has coerced an employee into waiving a meal period in violation of this subsection. Each  
 12 violation is a separate and distinct offense. In the case of a continuing violation, each day's con-  
 13 tinuance is a separate and distinct violation.

14 (d) Civil penalties authorized by this subsection shall be imposed in the manner provided in ORS  
 15 183.745. All sums collected as penalties under this subsection shall be applied and paid over as  
 16 provided in ORS 653.256 (4).

17  
 18 **CONFORMING AMENDMENTS**  
 19

20 **SECTION 5.** ORS 279B.020 is amended to read:

21 279B.020. (1) When labor is employed by a contracting agency through a contractor, a person  
 22 may not be required or permitted to labor more than 10 hours in any one day, or 40 hours in any  
 23 one week, except in cases of necessity or emergency or when the public policy absolutely requires  
 24 it, in which event, the person so employed for excessive hours shall receive at least time and a half  
 25 pay:

26 (a)(A) For all overtime in excess of eight hours in any one day or [40] 32 hours in any one week  
 27 when the work week is five consecutive days, Monday through Friday; or

28 (B) For all overtime in excess of 10 hours in any one day or [40] 32 hours in any one week when  
 29 the work week is four consecutive days, Monday through Friday; and

30 (b) For all work performed on Saturday and on the following legal holidays:

31 (A) Each Sunday.

32 (B) New Year's Day on January 1.

33 (C) Memorial Day on the last Monday in May.

34 (D) Independence Day on July 4.

35 (E) Labor Day on the first Monday in September.

36 (F) Thanksgiving Day on the fourth Thursday in November.

37 (G) Christmas Day on December 25.

38 (2) An employer shall give notice in writing to employees who perform work under subsection  
 39 (1) of this section, either at the time of hire or before commencement of work on the contract, or  
 40 by posting a notice in a location frequented by employees, of the number of hours per day and days  
 41 per week that employees may be required to work.

42 (3) For the purpose of this section, each time a legal holiday, other than Sunday, listed in sub-  
 43 section (1) of this section falls on Sunday, the succeeding Monday shall be recognized as a legal  
 44 holiday. Each time a legal holiday listed in subsection (1) of this section falls on Saturday, the pre-  
 45 ceding Friday shall be recognized as a legal holiday.

1 (4) When specifically agreed to under a written labor-management negotiated labor agreement,  
 2 an employee may be paid at least time and a half pay for work performed on any legal holiday  
 3 specified in ORS 187.010 and 187.020 that is not listed in subsection (1) of this section.

4 (5) This section does not apply to contracts for personal services designated under ORS  
 5 279A.055, provided that persons employed under such contracts shall receive at least time and a half  
 6 pay for work performed on the legal holidays specified in subsection (1)(b)(B) to (G) of this section  
 7 and for all overtime worked in excess of [40] 32 hours in any one week, except for individuals under  
 8 personal services contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201  
 9 to 209 from receiving overtime.

10 (6) Subsections (1) and (2) of this section do not apply to contracts for services at a county fair  
 11 or for other events authorized by a county fair board if persons employed under the contract receive  
 12 at least time and a half for work in excess of 10 hours in any one day or [40] 32 hours in any one  
 13 week.

14 (7) Subsections (1) to (3) of this section do not apply to a contract for services if the contractor  
 15 is a party to a collective bargaining agreement in effect with any labor organization.

16 (8)(a) Subsections (1) and (2) of this section do not apply to contracts for services. However,  
 17 persons employed under such contracts shall receive at least time and a half pay for work performed  
 18 on the legal holidays specified in a collective bargaining agreement or in subsection (1)(b)(B) to (G)  
 19 of this section and for all time worked in excess of 10 hours in any one day or in excess of [40] 32  
 20 hours in any one week, whichever is greater.

21 (b) An employer shall give notice in writing to employees who work on a contract for services,  
 22 either at the time of hire or before commencement of work on the contract, or by posting a notice  
 23 in a location frequented by employees, of the number of hours per day and days per week that the  
 24 employees may be required to work.

25 (9) Any contractor or subcontractor or contractor's or subcontractor's surety that violates the  
 26 provisions of this section is liable to the affected employees in the amount of their unpaid overtime  
 27 wages and in an additional amount equal to the unpaid overtime wages as liquidated damages. If the  
 28 violation resulted from willful falsification of payroll records, the contractor or subcontractor or  
 29 contractor's or subcontractor's surety is liable to the affected employees in the amount of their un-  
 30 paid overtime wages and in an additional amount equal to twice the unpaid overtime wages as liq-  
 31 uidated damages.

32 (10) An action to enforce liability to employees under subsection (9) of this section may be  
 33 brought as an action on the contractor's payment bond as provided for in ORS 279C.610.

34 (11) This section does not apply to:

35 (a) Financial institutions as defined in ORS 706.008.

36 (b) Labor performed in the prevention or suppression of fire under contracts and agreements  
 37 made pursuant to the authority of the State Forester or the State Board of Forestry under ORS  
 38 477.406.

39 (c) Public contracts for goods or personal property.

40 (12) In accordance with ORS chapter 183, the Commissioner of the Bureau of Labor and Indus-  
 41 tries may adopt rules to carry out the provisions of this section.

42 **SECTION 6.** ORS 279B.235 is amended to read:

43 279B.235. (1) Except as provided in subsections (3) to (6) of this section, every public contract  
 44 subject to this chapter must provide that:

45 (a) A contractor may not employ an employee for more than 10 hours in any one day, or 40

1 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely  
 2 requires otherwise, and in such cases, except in cases of contracts for personal services designated  
 3 under ORS 279A.055, the contractor shall pay the employee at least time and a half pay for:

4 (A)(i) All overtime in excess of eight hours in any one day or [40] 32 hours in any one week if  
 5 the work week is five consecutive days, Monday through Friday; or

6 (ii) All overtime in excess of 10 hours in any one day or [40] 32 hours in any one week if the  
 7 work week is four consecutive days, Monday through Friday; and

8 (B) All work the employee performs on Saturday and on any legal holiday specified in ORS  
 9 279B.020.

10 (b) The contractor shall comply with the prohibition set forth in ORS 652.220, that compliance  
 11 is a material element of the contract and that a failure to comply is a breach that entitles the  
 12 contracting agency to terminate the contract for cause.

13 (c) The contractor may not prohibit any of the contractor's employees from discussing the  
 14 employee's rate of wage, salary, benefits or other compensation with another employee or another  
 15 person and may not retaliate against an employee who discusses the employee's rate of wage, salary,  
 16 benefits or other compensation with another employee or another person.

17 (2) A contractor shall give notice in writing to employees who work on a public contract, either  
 18 at the time of hire or before work begins on the contract, or by posting a notice in a location fre-  
 19 quented by employees, of the number of hours per day and days per week that the contractor may  
 20 require the employees to work.

21 (3) A public contract for personal services, as described in ORS 279A.055, must provide that the  
 22 contractor shall pay the contractor's employees who work under the public contract at least time  
 23 and a half for all overtime the employees work in excess of [40] 32 hours in any one week, except  
 24 for employees under a personal services public contract who are excluded under ORS 653.010 to  
 25 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

26 (4) A public contract for services at a county fair, or for another event that a county fair board  
 27 authorizes, must provide that the contractor shall pay employees who work under the public con-  
 28 tract at least time and a half for work in excess of 10 hours in any one day or [40] 32 hours in any  
 29 one week. A contractor shall notify employees who work under the public contract, either at the  
 30 time of hire or before work begins on the public contract, or by posting a notice in a location fre-  
 31 quented by employees, of the number of hours per day and days per week that the contractor may  
 32 require the employees to work.

33 (5)(a) Except as provided in subsection (4) of this section, a public contract for services must  
 34 provide that the contractor shall pay employees at least time and a half pay for work the employees  
 35 perform under the public contract on the legal holidays specified in a collective bargaining agree-  
 36 ment or in ORS 279B.020 (1)(b)(B) to (G) and for all time the employee works in excess of 10 hours  
 37 in any one day or in excess of [40] 32 hours in any one week, whichever is greater.

38 (b) A contractor shall notify in writing employees who work on a public contract for services,  
 39 either at the time of hire or before work begins on the public contract, or by posting a notice in a  
 40 location frequented by employees, of the number of hours per day and days per week that the con-  
 41 tractor may require the employees to work.

42 (6) This section does not apply to public contracts:

43 (a) With financial institutions as defined in ORS 706.008.

44 (b) Made pursuant to the authority of the State Forester or the State Board of Forestry under  
 45 ORS 477.406 for labor performed in the prevention or suppression of fire.

1 (c) For goods or personal property.

2 **SECTION 7.** ORS 279C.520 is amended to read:

3 279C.520. (1) Every public contract subject to this chapter must provide that:

4 (a) A contractor may not employ an employee for more than 10 hours in any one day, or 40  
5 hours in any one week, except in cases of necessity, emergency or when the public policy absolutely  
6 requires otherwise, and in such cases, except in cases of contracts for personal services as defined  
7 in ORS 279C.100, the contractor shall pay the employee at least time and a half pay for:

8 (A)(i) All overtime in excess of eight hours in any one day or [40] **32** hours in any one week if  
9 the work week is five consecutive days, Monday through Friday; or

10 (ii) All overtime in excess of 10 hours in any one day or [40] **32** hours in any one week if the  
11 work week is four consecutive days, Monday through Friday; and

12 (B) All work the employee performs on Saturday and on any legal holiday specified in ORS  
13 279C.540.

14 (b) The contractor shall comply with the prohibition set forth in ORS 652.220, that compliance  
15 is a material element of the contract and that a failure to comply is a breach that entitles the  
16 contracting agency to terminate the contract for cause.

17 (c) The contractor may not prohibit any of the contractor's employees from discussing the  
18 employee's rate of wage, salary, benefits or other compensation with another employee or another  
19 person and may not retaliate against an employee who discusses the employee's rate of wage, salary,  
20 benefits or other compensation with another employee or another person.

21 (2) A contractor shall give notice in writing to employees who work on a public contract, either  
22 at the time of hire or before work begins on the contract, or by posting a notice in a location fre-  
23 quented by employees, of the number of hours per day and days per week that the contractor may  
24 require the employees to work.

25 (3) A public contract for personal services, as defined in ORS 279C.100, must provide that the  
26 contractor shall pay the contractor's employees who work under the public contract at least time  
27 and a half for all overtime the employees work in excess of [40] **32** hours in any one week, except  
28 for employees under a personal services public contract who are excluded under ORS 653.010 to  
29 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

30 (4) A public contract for services at a county fair, or for another event that a county fair board  
31 authorizes, must provide that the contractor shall pay employees who work under the public con-  
32 tract at least time and a half for work in excess of 10 hours in any one day or [40] **32** hours in any  
33 one week. A contractor shall notify employees who work under the public contract, either at the  
34 time of hire or before work begins on the public contract, or by posting a notice in a location fre-  
35 quented by employees, of the number of hours per day and days per week that the contractor may  
36 require the employees to work.

37 (5)(a) Except as provided in subsection (4) of this section, a public contract for services must  
38 provide that the contractor shall pay employees at least time and a half pay for work the employees  
39 perform under the public contract on the legal holidays specified in a collective bargaining agree-  
40 ment or in ORS 279C.540 (1)(b)(B) to (G) and for all time the employees work in excess of 10 hours  
41 in any one day or in excess of [40] **32** hours in any one week, whichever is greater.

42 (b) A contractor shall notify in writing employees who work on a public contract for services,  
43 either at the time of hire or before work begins on the public contract, or by posting a notice in a  
44 location frequented by employees, of the number of hours per day and days per week that the con-  
45 tractor may require the employees to work.

**SECTION 8.** ORS 279C.540 is amended to read:

279C.540. (1) When labor is employed by the state or a county, school district, municipality, municipal corporation or subdivision thereof through a contractor, a person may not be required or permitted to labor more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity or emergency or when the public policy absolutely requires it, in which event, the person so employed for excessive hours shall receive at least time and a half pay:

(a)(A) For all overtime in excess of eight hours in any one day or [40] **32** hours in any one week when the work week is five consecutive days, Monday through Friday; or

(B) For all overtime in excess of 10 hours in any one day or [40] **32** hours in any one week when the work week is four consecutive days, Monday through Friday; and

(b) For all work performed on Saturday and on the following legal holidays:

(A) Each Sunday.

(B) New Year's Day on January 1.

(C) Memorial Day on the last Monday in May.

(D) Independence Day on July 4.

(E) Labor Day on the first Monday in September.

(F) Thanksgiving Day on the fourth Thursday in November.

(G) Christmas Day on December 25.

(2) An employer shall give notice in writing to employees who perform work under subsection (1) of this section, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that employees may be required to work.

(3) For the purpose of this section, each time a legal holiday, other than Sunday, listed in subsection (1) of this section falls on Sunday, the succeeding Monday shall be recognized as a legal holiday. Each time a legal holiday listed in subsection (1) of this section falls on Saturday, the preceding Friday shall be recognized as a legal holiday.

(4) Subsections (1) to (3) of this section do not apply to a public improvement contract or a contract for services if the contractor is a party to a collective bargaining agreement in effect with any labor organization.

(5) When specifically agreed to under a written labor-management negotiated labor agreement, an employee may be paid at least time and a half pay for work performed on any legal holiday specified in ORS 187.010 and 187.020 that is not listed in subsection (1) of this section.

(6) This section does not apply to contracts for personal services as defined in ORS 279C.100, provided that persons employed under such contracts shall receive at least time and a half pay for work performed on the legal holidays specified in subsection (1)(b)(B) to (G) of this section and for all overtime worked in excess of [40] **32** hours in any one week, except for individuals under personal services contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

(7) Subsections (1) and (2) of this section do not apply to contracts for services at a county fair or for other events authorized by a county fair board if persons employed under the contract receive at least time and a half for work in excess of 10 hours in any one day or [40] **32** hours in any one week.

(8)(a) Subsections (1) and (2) of this section do not apply to contracts for services. However, persons employed under such contracts shall receive at least time and a half pay for work performed on the legal holidays specified in a collective bargaining agreement or in subsection (1)(b)(B) to (G)



1 of this section and for all time worked in excess of 10 hours in any one day or in excess of [40] 32  
 2 hours in any one week, whichever is greater.

3 (b) An employer shall give notice in writing to employees who work on a contract for services,  
 4 either at the time of hire or before commencement of work on the contract, or by posting a notice  
 5 in a location frequented by employees, of the number of hours per day and days per week that the  
 6 employees may be required to work.

7 (9) Any contractor or subcontractor or contractor's or subcontractor's surety that violates the  
 8 provisions of this section is liable to the affected employees in the amount of their unpaid overtime  
 9 wages and in an additional amount equal to the unpaid overtime wages as liquidated damages. If the  
 10 violation results from willful falsification of payroll records, the contractor or subcontractor or  
 11 contractor's or subcontractor's surety is liable to the affected employees in the amount of their un-  
 12 paid overtime wages and an additional amount equal to twice the unpaid overtime wages as liqui-  
 13 dated damages.

14 (10) An action to enforce liability to employees under subsection (9) of this section may be  
 15 brought as an action on the contractor's payment bond as provided for in ORS 279C.610.

16 (11) In accordance with ORS chapter 183, the Commissioner of the Bureau of Labor and Indus-  
 17 tries may adopt rules to carry out the provisions of this section.

18 **SECTION 9.** ORS 411.892 is amended to read:

19 411.892. (1)(a) All employers, including public and private sector employers within the State of  
 20 Oregon, are eligible to participate in the JOBS Plus Program. The Department of Human Services  
 21 shall adopt by rule a method to disqualify employers from participating in the program. No employer  
 22 is required to participate in the JOBS Plus Program. In the event that there are unassigned partic-  
 23 ipants whom no employer desires to utilize, the participants may be assigned to work for a public  
 24 agency.

25 (b) The maximum number of program participants that any employer is authorized to receive at  
 26 any one time may not exceed 10 percent of the total number of the employer's employees. However,  
 27 each employer may receive one participant. The Director of Human Services may waive the limit in  
 28 special circumstances.

29 (c) The Department of Human Services by rule shall establish criteria for excluding employers  
 30 from participation for failure to abide by program requirements, showing a pattern of terminating  
 31 participants prior to the completion of training or other demonstrated unwillingness to comply with  
 32 the stated intent of the program.

33 (2) The Department of Human Services shall ensure that jobs made available to program par-  
 34 ticipants:

35 (a) Do not require work in excess of [40] 32 hours per week;

36 (b) Are not used to displace regular employees or to fill unfilled positions previously established;  
 37 and

38 (c) Do not pay a wage that is substantially less than the wage paid for similar jobs in the local  
 39 economy with appropriate adjustments for experience and training.

40 (3)(a) Eligibility for the program shall be limited to residents who are:

41 (A) Adults and caretaker relatives who are receiving temporary assistance for needy families  
 42 benefits;

43 (B) Adult Supplemental Nutrition Assistance Program recipients except as described in sub-  
 44 section (5)(b) of this section; and

45 (C) Unemployed noncaretaker parents of children who are receiving temporary assistance for

1 needy families benefits.

2 (b) In addition to those residents eligible for the program under paragraph (a) of this subsection,  
 3 additional residents who are seeking employment may be eligible for the program if there are  
 4 legislatively allocated funds available in the temporary assistance for needy families budget of the  
 5 Department of Human Services.

6 (4)(a) Individuals desiring work through the program shall contact the nearest Department of  
 7 Human Services office serving the county in which they reside if they are temporary assistance for  
 8 needy families program or Supplemental Nutrition Assistance Program applicants or recipients or  
 9 noncustodial parents of individuals receiving temporary assistance for needy families.

10 (b) With the assistance of the local JOBS Plus Implementation Councils and the JOBS Plus  
 11 Advisory Board, the Department of Human Services shall develop a job inventory of sufficient size  
 12 to accommodate all of the participants who desire to work in the program. In consultation with the  
 13 participant, the department shall try to match the profile of each participant with the needs of an  
 14 employer when assigning a participant to work with the employer.

15 (c) Either the employer or the participant may terminate the assignment by contacting the ap-  
 16 propriate Department of Human Services office. In such event, the Department of Human Services  
 17 shall reassess the needs of the participant and assign the participant to another JOBS Plus Program  
 18 placement or another job opportunity and basic skills program component and, at the employer's  
 19 request, provide the employer with another participant.

20 (d)(A) If after four months in a placement, a participant has not been hired for an unsubsidized  
 21 position, the employer shall allow the worker to undertake eight hours of job search per week.  
 22 Participating employers shall consider such time as hours worked for the purposes of paying wages.

23 (B) If after six months in a placement, a participant has not been hired for an unsubsidized po-  
 24 sition, the placement shall be terminated, and the caseworker shall reassess the participant's em-  
 25 ployment development plan.

26 (e) The Department of Human Services may pay placement and barrier removal payments to  
 27 temporary assistance for needy families program and Supplemental Nutrition Assistance Program  
 28 participants as necessary to enable participation in the JOBS Plus Program.

29 (f) The Department of Human Services shall accept eligible volunteers into the program prior  
 30 to mandating program participation by eligible persons.

31 (5)(a) Assignment of participants to available jobs shall be based on a preference schedule de-  
 32 veloped by the Department of Human Services. Any temporary assistance for needy families recipi-  
 33 ent or supplemental nutrition assistance recipient may volunteer for the program.

34 (b) The following individuals may not be required to participate in the program:

35 (A) Recipients under the temporary assistance for needy families program and the Supplemental  
 36 Nutrition Assistance Program who are eligible for Supplemental Security Income benefits or other  
 37 ongoing state or federal maintenance benefits based on age or disability.

38 (B) Supplemental nutrition assistance applicants or recipients who are employed full-time or are  
 39 college students eligible for supplemental nutrition assistance and enrolled full-time in a community  
 40 college or an institution of higher education, or enrolled half-time in a community college or an in-  
 41 stitution of higher education and working at least 20 hours per week.

42 (C) Teenage parents who remain in high school if progressing toward a diploma. Teenage par-  
 43 ents not in school are eligible for the JOBS Plus Program.

44 (c) The Department of Human Services shall provide life skills classes and opportunities to  
 45 achieve a certificate for passing an approved high school equivalency test such as the General Ed-

1 ucational Development (GED) test to appropriate participants in conjunction with working in the  
 2 JOBS Plus Program.

3 (d) Subject to subsection (7) of this section, temporary assistance for needy families and sup-  
 4 plemental nutrition assistance shall be suspended at the end of the calendar month in which an  
 5 employer makes the first wage payment to a participant who is a custodial parent in a family that  
 6 receives temporary assistance for needy families or to any adult member of a household receiving  
 7 supplemental nutrition assistance. Failure of the participant to cooperate with the requirements of  
 8 the JOBS Plus Program may result in the participant's removal, in accordance with rules adopted  
 9 by the Department of Human Services, from the JOBS Plus Program and suspension of the  
 10 participant's temporary assistance for needy families grant and supplemental nutrition assistance.  
 11 A temporary assistance for needy families and supplemental nutrition assistance recipient who has  
 12 been removed from the program for failing to cooperate shall be eligible to reapply to participate  
 13 in the program and shall have eligibility for program services determined without regard to the  
 14 length of time the person was not participating following removal.

15 (6)(a) Employers shall pay all participating individuals at least the hourly rate of the Oregon  
 16 minimum wage.

17 (b) Sick leave, holiday and vacation absences shall conform to the individual employer's rules  
 18 for temporary employees.

19 (c) Group health insurance benefits shall be provided by the employer to program participants  
 20 if, and to the extent that, state or federal law requires the employer to provide such benefits.

21 (d) All persons participating in the JOBS Plus Program shall be considered to be temporary  
 22 employees of the individual employer providing the work and shall be entitled only to benefits re-  
 23 quired by state or federal law.

24 (e) Employers shall provide workers' compensation coverage for each JOBS Plus Program par-  
 25 ticipant.

26 (7) In the event that the net monthly full-time wage paid to a participant would be less than the  
 27 level of income from the temporary assistance for needy families program and the supplemental nu-  
 28 trition assistance amount equivalent that the participant would otherwise receive, the Department  
 29 of Human Services shall determine and pay a supplemental payment as necessary to provide the  
 30 participant with that level of net income. The department shall determine and pay in advance sup-  
 31 plemental payments to participants on a monthly basis as necessary to ensure equivalent net pro-  
 32 gram wages. Participants shall be compensated only for time worked.

33 (8) In addition to and not in lieu of the payments provided for under subsections (6) and (7) of  
 34 this section, participants shall be entitled to retain the full child support payments collected by the  
 35 Department of Justice.

36 (9) In conformity with existing state day care program regulations, child day care shall be pro-  
 37 vided for all program participants who require it.

38 (10) JOBS Plus Program employers shall:

39 (a) Endeavor to make JOBS Plus Program placements positive learning and training experiences;

40 (b) Maintain health, safety and working conditions at or above levels generally acceptable in the  
 41 industry and no less than that of comparable jobs of the employer;

42 (c) Provide on-the-job training to the degree necessary for the participants to perform their du-  
 43 ties;

44 (d) Recruit volunteer mentors from among their regular employees to assist the participants in  
 45 becoming oriented to work and the workplace; and

1 (e) Sign an agreement to abide by all requirements of the program, including the requirement  
 2 that the program not supplant existing jobs. All agreements shall include provisions noting the  
 3 employer's responsibility to repay reimbursements in the event the employer violates program rules.  
 4 When a professional placement service, professional employment organization or temporary employ-  
 5 ment agency is acting as an employer pursuant to subsection (13) of this section, agreements under  
 6 this paragraph shall require a three-party agreement between the professional placement service,  
 7 professional employment organization or temporary employment agency, the organization where the  
 8 participant has been placed to perform services and the State of Oregon. The three-party agreement  
 9 shall include provisions requiring that all JOBS Plus reimbursements received by the professional  
 10 placement service, professional employment organization or temporary employment agency be cred-  
 11 ited to the organization where the participant has been placed to perform services.

12 (11) Program participant wages shall be subject to federal and state income taxes, Social Secu-  
 13 rity taxes and unemployment insurance tax or reimbursement as applicable under ORS chapter 657,  
 14 which shall be withheld and paid in accordance with state and federal law. Supplemental payments  
 15 made pursuant to subsection (7) of this section shall not be subject to state income taxes under ORS  
 16 chapter 316 and, to the extent allowed by federal law, shall not be subject to federal income taxes  
 17 and Social Security taxes.

18 (12)(a) The Department of Human Services shall reimburse employers for the employers' share  
 19 of Social Security, unemployment insurance and workers' compensation premiums paid on behalf of  
 20 program participants referred to the employer by the Department of Human Services, as well as the  
 21 minimum wage earnings paid by the employer to program participants referred to the employer by  
 22 the Department of Human Services.

23 (b) If the Department of Human Services finds that an employer has violated any of the rules  
 24 of the JOBS Plus Program, the department:

25 (A) Shall withhold any amounts due to employers under paragraph (a) of this subsection.

26 (B) May seek repayment of any amounts paid to employers under paragraph (a) of this sub-  
 27 section.

28 (13) For purposes of this section, "employer" shall include professional placement services, pro-  
 29 fessional employment organizations and temporary employment agencies.

30 **SECTION 10.** ORS 652.020, as amended by section 1, chapter 22, Oregon Laws 2022, is amended  
 31 to read:

32 652.020. (1) As used in this section:

33 (a) "Machinery" means material-handling equipment and power-driven machines powered by  
 34 electricity, nuclear or fossil fuels, hydroelectric power, geothermal power or another power source  
 35 other than by human hand, foot or breath.

36 (b) "Manufacturing" means the process of using machinery to transform materials, substances  
 37 or components into new products.

38 (c) "Manufacturing establishment" means an establishment engaged in manufacturing.

39 (d) "Perishable product" means any product that may spoil, deteriorate or undergo other mate-  
 40 rial changes that render it unsuitable for the use for which it was produced. "Perishable product"  
 41 includes agricultural crops, meat and fish.

42 (e) "Undue hardship period" means the period of time during which perishable product must be  
 43 processed after harvesting, slaughter or catch.

44 (f) "Workweek" means a fixed period of time established by an employer that reflects a regularly  
 45 recurring period of 168 hours or seven consecutive 24-hour periods. A workweek may begin on any

1 day of the week and any hour of the day and need not coincide with a calendar week. The beginning  
2 of the workweek may be changed if the change is intended to be permanent and is not designed to  
3 evade overtime requirements.

4 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection and subsection (3) of this  
5 section, an employer may not require or permit an employee employed in any mill, factory or other  
6 manufacturing establishment in this state to work more than:

7 (A) 10 hours in any one day; or

8 (B) 55 hours in any one workweek.

9 (b) An employer may permit an employee described in paragraph (a) of this subsection to work  
10 up to 60 hours in one workweek if the employee requests or consents in writing to work more than  
11 55 hours in the workweek.

12 (c) Notwithstanding paragraph (b) of this subsection, during the period of time that an employer  
13 is eligible for an undue hardship period exemption under subsection (4) of this section, an employer  
14 may permit an employee described in paragraph (a) of this subsection to work:

15 (A) Up to 84 hours per workweek for four workweeks; and

16 (B) Up to 80 hours per workweek for the remainder of the undue hardship period.

17 (d) Except as provided in subsection (3) of this section, an employer may not require or permit  
18 an employee employed in a sawmill, planing mill, shingle mill or logging camp to work more than:

19 (A) Eight hours, exclusive of one hour, more or less, in one day; or

20 (B) 48 hours in one workweek.

21 (3)(a) An employee may work overtime up to three hours more than the applicable limit for the  
22 maximum allowable hours of employment in one day as described in subsection (2) of this section.

23 (b) An employer shall compensate an employee who works overtime hours described in para-  
24 graph (a) of this subsection at one and one-half times the employee's regular rate of pay for each  
25 overtime hour or portion of an hour the employee works.

26 (c) An employer shall calculate an employee's overtime compensation on a daily basis under  
27 paragraph (b) of this subsection and on a weekly basis under ORS 653.261 (1) and pay the greater  
28 of the two amounts if, during the same workweek, the employee works more than:

29 (A) The applicable limit for the maximum allowable hours of employment in one day as described  
30 in subsection (2) of this section; and

31 (B) ~~Forty~~ **Thirty-two** hours in one workweek as described in ORS 653.261 (1).

32 (d) An employer that makes an overtime payment to an employee pursuant to paragraph (c) of  
33 this subsection satisfies the overtime compensation requirements under this subsection and ORS  
34 653.261 (1).

35 (4)(a) An employer is eligible for an undue hardship period exemption from the restrictions on  
36 maximum workweek hours under subsection (2)(a) of this section if the employer, in the ordinary  
37 course of the employer's business, processes perishable products. The undue hardship period ex-  
38 emption shall be effective only during an undue hardship period. An employer may be eligible for  
39 more than one undue hardship period exemption in a calendar year. However, the combined total  
40 duration of the employer's undue hardship period exemptions may not exceed 21 workweeks in a  
41 calendar year.

42 (b) To claim an undue hardship period exemption, an employer must provide notice of the undue  
43 hardship period to the Commissioner of the Bureau of Labor and Industries and obtain written  
44 consent from each employee whom the employer will request to work more than 55 hours in any  
45 workweek during the undue hardship period.

1 (c)(A) The notice the employer sends to the commissioner under paragraph (b) of this subsection  
 2 must be in a form prescribed by the commissioner by rule and include a description of the reasons  
 3 for the undue hardship period, the start and expected end dates of the undue hardship period and  
 4 any other information required by the commissioner.

5 (B) The employee's written consent shall be in a form prescribed by the commissioner by rule  
 6 and include:

7 (i) A description of the employer's reasons for the undue hardship period;

8 (ii) The start and expected end dates of the undue hardship period;

9 (iii) A statement that the employer may require the employee to work up to 84 hours per  
 10 workweek for up to four workweeks during the undue hardship period;

11 (iv) A statement that the employer may require the employee to work up to 80 hours per  
 12 workweek for the remainder of the undue hardship period;

13 (v) A statement that the employee consents to working up to 84 hours per workweek for up to  
 14 four workweeks during the undue hardship period and up to 80 hours per workweek for the re-  
 15 mainder of the undue hardship period;

16 (vi) Contact information for the Bureau of Labor and Industries; and

17 (vii) Any other information required by the commissioner.

18 (5) An employer may not:

19 (a) Require any employee employed in a mill, factory or other manufacturing establishment in  
 20 this state to begin a work shift less than 10 hours after the end of the employee's previous work  
 21 shift if the employee's previous work shift totaled eight or more hours, unless the employer requires  
 22 the employee to work additional hours due to disruptions in business operations caused by a power  
 23 outage, major equipment breakdown, severe weather or similar emergency outside the employer's  
 24 control;

25 (b) Require or permit any employee to work in any place described in this section for more  
 26 hours than the hours provided for in this section during any day of 24 hours;

27 (c) Take an adverse employment action against any employee who is employed in a manufac-  
 28 turing establishment that is classified within the North American Industry Classification System  
 29 under code 3118 and who refuses to work a mandatory overtime shift unless the employer has pro-  
 30 vided the employee with at least five days' advance notice of the overtime shift, including the date  
 31 and time of the overtime shift;

32 (d) Permit an overseer, superintendent or other agent of the employer to violate this section;  
 33 or

34 (e) Coerce an employee into consenting to work more than 55 hours in a given workweek.

35 (6) This section does not apply to:

36 (a) An employee performing work as a member of a logging train crew, as a guard or as a boiler  
 37 operator;

38 (b) An employee engaged in the transportation of workers to and from work;

39 (c) An employee engaged in the care of quarters or livestock, the conducting of mess halls, the  
 40 superintendence and direction of work or the loading and removal of finished forest product;

41 (d) An employee when engaged in making necessary repairs or in the case of emergency where  
 42 life or property is in imminent danger; or

43 (e) An employee employed in a mill, factory or other manufacturing establishment whose prin-  
 44 cipal duties are administrative in nature or who is not otherwise engaged in the direct processing  
 45 of goods in the usual course of the employee's duties.

1 (7) Subsections (2) to (5) of this section do not apply to employees who are represented by a  
 2 labor organization for purposes of collective bargaining with their employer, provided limits on the  
 3 required hours of work and overtime payment have been agreed to between the employer and labor  
 4 organization, or if no agreement is reached, then, for the purposes of this subsection, such limits and  
 5 payments shall not be deemed to be changed from the previous collective bargaining agreement be-  
 6 tween the employer and labor organization unless the employees have been locked out or are en-  
 7 gaged in a strike or the employer has unilaterally implemented new terms and conditions of  
 8 employment.

9 (8)(a) In addition to any other remedy provided by law, an employee has a private cause of  
 10 action against an employer if the employer violates subsection (2) or (3) of this section by requiring  
 11 the employee to work more than:

12 (A) Three hours more than the applicable limit for the maximum allowable hours of employment  
 13 in one day; or

14 (B) The applicable limit for the maximum allowable hours of employment in one workweek.

15 (b) If the employee prevails in an action under this section, the court may enter judgment  
 16 against the employer for:

17 (A) Actual damages or \$3,000 per claim, whichever is greater;

18 (B) Equitable relief; and

19 (C) Liquidated damages in an amount equal to twice the employee's overtime wages earned  
 20 during the period not allowed under subsection (2) or (3) of this section.

21 (c) In an action brought under this section, the court may award to the prevailing plaintiff costs,  
 22 disbursements and reasonable attorney fees. Any attorney fee agreement is subject to approval by  
 23 the court.

24 (9)(a) Notwithstanding ORS 652.900, in addition to any other penalty provided by law, the com-  
 25 missioner may assess the following civil penalties against an employer that the commissioner de-  
 26 termines has coerced an employee into consenting to work more than 55 hours in one workweek:

27 (A) \$2,000 per violation if the employer coerced an employee into consenting under subsection  
 28 (2)(b) of this section to work more than 55 hours in any given workweek; or

29 (B) \$3,000 per violation if the employer coerced an employee into consenting under subsection  
 30 (4) of this section to work more than 55 hours per workweek in any given workweek during an un-  
 31 due hardship period.

32 (b) Each violation described in paragraph (a) of this subsection is a separate and distinct offense.  
 33 In the case of a continuing violation, each workweek's continuance is a separate and distinct vio-  
 34 lation.

35 (c) Civil penalties authorized by this subsection shall be imposed in the manner provided in ORS  
 36 183.745. All sums collected as penalties under this subsection shall be applied and paid over as  
 37 provided in ORS 652.900.

38 (10) A violation of subsection (5)(c) of this section is an unlawful practice under ORS chapter  
 39 659A that is subject to enforcement by the Commissioner of the Bureau of Labor and Industries as  
 40 provided in ORS 659A.820 to 659A.865.

41 **SECTION 11.** ORS 653.265 is amended to read:

42 653.265. (1) As used in this section:

43 (a) "Perishable product" means any product that may spoil, deteriorate or undergo other mate-  
 44 rial changes that render it unsuitable for the use for which it was produced. "Perishable product"  
 45 includes agricultural crops, meat and fish.

1 (b) "Undue hardship period" means the period of time during which perishable product must be  
 2 processed after harvesting, slaughter or catch.

3 (c) "Workweek" means a fixed period of time established by an employer that reflects a regu-  
 4 larly recurring period of 168 hours or seven consecutive 24-hour periods. A workweek may begin  
 5 on any day of the week and any hour of the day and need not coincide with a calendar week. The  
 6 beginning of the workweek may be changed if the change is intended to be permanent and is not  
 7 designed to evade overtime requirements.

8 (2)(a) Except as provided in paragraphs (b) to (d) of this subsection, an employer may not require  
 9 or permit an employee employed in any cannery, drier or packing plant in this state to work more  
 10 than:

11 (A) 10 hours in any one day; or

12 (B) 55 hours in one workweek.

13 (b) An employer may permit an employee described in paragraph (a) of this subsection to work  
 14 up to 60 hours in one workweek if the employee requests or consents in writing to work more than  
 15 55 hours in the workweek.

16 (c) Notwithstanding paragraph (b) of this subsection, during the period of time that an employer  
 17 is eligible for an undue hardship period exemption under subsection (5) of this section, an employer  
 18 may permit an employee described in paragraph (a) of this subsection to work:

19 (A) Up to 84 hours per workweek for four workweeks; and

20 (B) Up to 80 hours per workweek for the remainder of the undue hardship period.

21 (d) An employer may permit an employee described in paragraph (a) of this subsection to work  
 22 more than 10 hours in any one day if the employer compensates the employee as follows:

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

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

27 (3) An employer shall calculate an employee's overtime on a daily basis under subsection (2)(d)  
 28 of this section and on a weekly basis under ORS 653.261 (1) and pay the greater of the two amounts  
 29 if, during the same workweek, the employee works more than:

30 (a) 10 hours in one day as described in subsection (1) of this section; and

31 (b) [40] **32** hours in one workweek as described in ORS 653.261 (1).

32 (4) An employer that makes an overtime payment to an employee pursuant to subsection (3) of  
 33 this section satisfies the overtime compensation requirements under this section and ORS 653.261  
 34 (1).

35 (5)(a) An employer is eligible for an undue hardship period exemption from the restrictions on  
 36 work hours under subsection (2)(a) of this section if the employer, in the ordinary course of the  
 37 employer's business, processes perishable products. The undue hardship period exemption shall be  
 38 effective only during an undue hardship period. An employer may be eligible for more than one un-  
 39 due hardship period exemption in a calendar year. However, the combined total duration of the  
 40 employer's undue hardship period exemptions may not exceed 21 workweeks in a calendar year.

41 (b) To claim an undue hardship period exemption, an employer must provide notice of the undue  
 42 hardship period to the Commissioner of the Bureau of Labor and Industries and obtain written  
 43 consent from each employee whom the employer will request to work more than 55 hours in any  
 44 workweek during the undue hardship period.

45 (c)(A) The notice the employer sends to the commissioner under paragraph (b) of this subsection



1 must be in a form prescribed by the commissioner by rule and include a description of the reasons  
 2 for the undue hardship period, the start and expected end dates of the undue hardship period and  
 3 any other information required by the commissioner.

4 (B) The employee's written consent shall be in a form prescribed by the commissioner by rule  
 5 and include:

6 (i) A description of the employer's reasons for the undue hardship period;

7 (ii) The start and expected end dates of the undue hardship period;

8 (iii) A statement that the employer may require the employee to work up to 84 hours per  
 9 workweek for up to four workweeks during the undue hardship period;

10 (iv) A statement that the employer may require the employee to work up to 80 hours per  
 11 workweek for the remainder of the undue hardship period;

12 (v) A statement that the employee consents to working up to 84 hours per workweek for up to  
 13 four workweeks during the undue hardship period and up to 80 hours per workweek for the re-  
 14 mainder of the undue hardship period;

15 (vi) Contact information for the Bureau of Labor and Industries; and

16 (vii) Any other information required by the commissioner.

17 (6) An employer may not coerce an employee into consenting to work more than 55 hours in a  
 18 given workweek.

19 (7) This section does not apply to:

20 (a) An employee employed in a cannery, drier or packing plant that is located on a farm and  
 21 primarily processes products produced on the farm;

22 (b) An employee employed in a cannery, drier or packing plant who is engaged in manufacturing,  
 23 as that term is defined in ORS 652.020;

24 (c) An employee employed by a seafood processor, as that term is defined in ORS 653.263; or

25 (d) An employee employed in a cannery, drier or packing plant whose principal duties are ad-  
 26 ministrative in nature or who is not otherwise, in the usual course of the employee's duties, engaged  
 27 in the direct processing of goods.

28 (8) Subsections (2) to (6) of this section do not apply to employees who are represented by a  
 29 labor organization for purposes of collective bargaining with their employer, provided limits on the  
 30 required hours of work and overtime payment have been agreed to between the employer and labor  
 31 organization, or if no agreement is reached, then, for the purposes of this subsection, such limits and  
 32 payments shall not be deemed to be changed from the previous collective bargaining agreement be-  
 33 tween the employer and labor organization unless the employees have been locked out or are en-  
 34 gaged in a strike or the employer has unilaterally implemented new terms and conditions of  
 35 employment.

36 (9)(a) Notwithstanding ORS 653.256, in addition to any other penalty provided by law, the com-  
 37 missioner may assess the following civil penalties against an employer:

38 (A) \$2,000 per violation if the commissioner determines the employer coerced an employee into  
 39 consenting under subsection (2)(b) of this section to work more than 55 hours in any given  
 40 workweek; and

41 (B) \$3,000 per violation if the commissioner determines the employer coerced an employee into  
 42 consenting under subsection (5) of this section to work more than 55 hours per workweek in any  
 43 given workweek during an undue hardship period.

44 (b) Each violation described in paragraph (a) of this subsection is a separate and distinct offense.  
 45 In the case of a continuing violation, each workweek's continuance is a separate and distinct vio-

1 lation.

2 (c) Civil penalties authorized by this subsection shall be imposed in the manner provided in ORS  
 3 183.745. All sums collected as penalties under this subsection shall be applied and paid over as  
 4 provided in ORS 653.256.

5 (10)(a) In addition to any other remedy provided by law, an employee has a private cause of  
 6 action against an employer if the employer violates subsection (2) of this section by requiring the  
 7 employee to work more than the applicable limit for the maximum allowable hours of employment  
 8 in one workweek.

9 (b) If the employee prevails in an action brought under this section, the court may enter judg-  
 10 ment against the employer for:

11 (A) Actual damages or \$3,000 per claim, whichever is greater;

12 (B) Equitable relief; and

13 (C) Liquidated damages in an amount equal to twice the employee's overtime wages earned  
 14 during the period not allowed under subsection (2) of this section.

15 (c) In an action brought under this section, the court may award to the prevailing plaintiff costs,  
 16 disbursements and reasonable attorney fees. Any attorney fee agreement is subject to approval by  
 17 the court.

18 **SECTION 12.** ORS 653.268 is amended to read:

19 653.268. (1) Labor directly employed by any public employer as defined in ORS 243.650 shall be  
 20 compensated, if budgeted funds for such purpose are available, for overtime worked in excess of  
 21 [40] **32** hours in any one week, at not less than one and one-half times the regular rate of such em-  
 22 ployment. If budgeted funds are not available for the payment of overtime, such overtime shall be  
 23 allowed in compensatory time off at not less than time and a half for employment in excess of [40]  
 24 **32** hours in any one week.

25 (2) Nothing in this section shall prevent a labor organization under the National Labor Re-  
 26 lations Act or ORS 243.650 to 243.809 or other employees from negotiating additional overtime pay  
 27 requirements with a public employer.

28 (3) Regardless of the availability of budgeted funds, if mandatory overtime is assigned, nursing  
 29 staff directly employed in a correctional facility may not be required to work:

30 (a) Beyond the agreed-upon and prearranged shift, regardless of the length of the shift;

31 (b) More than 48 hours in any workweek;

32 (c) More than 12 hours in a 24-hour period; or

33 (d) During the 10-hour period immediately following the 12th hour worked during a 24-hour pe-  
 34 riod.

35 (4) A correctional facility may require a nursing staff member to work up to four additional  
 36 hours beyond the allowable hours of work as described in subsection (3) of this section if:

37 (a) A staff vacancy for the next shift becomes known at the end of the current shift; or

38 (b) There is a potential for harm to an assigned patient if the nursing staff member leaves the  
 39 assignment or transfers care to another nursing staff member.

40 (5) Subsection (3) of this section does not apply to nursing staff members who are assigned to  
 41 work mandatory overtime upon the occurrence of any of the following emergency circumstances:

42 (a) Sudden and unforeseen adverse weather conditions;

43 (b) An infectious disease epidemic suffered by correctional facility staff;

44 (c) Any unforeseen event, including security lockdown procedures, that would prevent scheduled  
 45 replacement nursing staff members from approaching or entering the correctional facility; or

1 (d) Unplanned direct care nursing staff vacancies for the next shift that amount to at least 20  
2 percent of the nursing staff scheduled for the next shift, if the correctional facility determines that  
3 the number of direct care nursing staff scheduled and available for the next shift cannot ensure the  
4 health and safety of the patients at the facility.

5 (6) As used in this section:

6 (a) "Correctional facility" means a Department of Corrections institution.

7 (b) "Nursing staff" has the meaning given that term in ORS 441.179.

8 **SECTION 13.** ORS 137.103 is amended to read:

9 137.103. As used in ORS 137.101 to 137.109:

10 (1) "Criminal activities" means any offense with respect to which the defendant is convicted or  
11 any other criminal conduct admitted by the defendant.

12 (2) "Economic damages":

13 (a) Has the meaning given that term in ORS 31.705, except that "economic damages" does not  
14 include future impairment of earning capacity; and

15 (b) In cases involving criminal activities described in ORS 163.263, 163.264 or 163.266, includes  
16 the greater of:

17 (A) The value to the defendant of the victim's services as defined in ORS 163.261; or

18 (B) The value of the victim's services, as defined in ORS 163.261, computed using the minimum  
19 wage established under ORS 653.025 **and section 2 of this 2023 Act, as applicable**, and the over-  
20 time provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

21 (3) "Restitution" means full, partial or nominal payment of economic damages to a victim.  
22 Restitution is independent of and may be awarded in addition to a compensatory fine awarded under  
23 ORS 137.101.

24 (4) "Victim" means:

25 (a) The person or decedent against whom the defendant committed the criminal offense, if the  
26 court determines that the person or decedent has suffered or did suffer economic damages as a re-  
27 sult of the offense.

28 (b) Any person not described in paragraph (a) of this subsection whom the court determines has  
29 suffered economic damages as a result of the defendant's criminal activities.

30 (c) The Criminal Injuries Compensation Account, if it has expended moneys on behalf of a victim  
31 described in paragraph (a) of this subsection.

32 (d) An insurance carrier, if it has expended moneys on behalf of a victim described in paragraph  
33 (a) of this subsection.

34 (e) Upon the death of a victim described in paragraph (a) or (b) of this subsection, the estate  
35 of the victim.

36 (f) The estate, successor in interest, trust, trustee, successor trustee or beneficiary of a trust  
37 against which the defendant committed the criminal offense, if the court determines that the estate,  
38 successor in interest, trust, trustee, successor trustee or beneficiary of a trust suffered economic  
39 damages as a result of the offense.

40 (5) "Victim" does not include any coparticipant in the defendant's criminal activities.

41 **SECTION 14.** ORS 315.262 is amended to read:

42 315.262. (1) As used in this section:

43 (a) "Child care" means care provided to a qualifying child of the taxpayer for the purpose of  
44 allowing the taxpayer to be gainfully employed, to seek employment or to attend school on a full-  
45 time or part-time basis, except that the term does not include care provided by:

1 (A) The child’s parent or guardian, unless the care is provided in a certified or registered child  
 2 care facility; or

3 (B) A person who has a relationship to the taxpayer that is described in section 152(a) of the  
 4 Internal Revenue Code who has not yet attained 19 years of age at the close of the tax year.

5 (b) “Child care expenses” means the costs associated with providing child care to a qualifying  
 6 child of a qualified taxpayer.

7 (c) “Disability” means a physical or cognitive condition that results in a person requiring as-  
 8 sistance with activities of daily living.

9 (d) “Earned income” has the meaning given that term in section 32 of the Internal Revenue  
 10 Code.

11 (e) “Qualified taxpayer” means a taxpayer:

12 (A) Who is an Oregon resident with at least \$6,000 of earned income for the tax year or who is  
 13 a nonresident of Oregon with at least \$6,000 of earned income from Oregon sources for the tax year;

14 (B) With federal adjusted gross income for the tax year that does not exceed 250 percent of the  
 15 federal poverty level;

16 (C) With Oregon adjusted gross income for the tax year that does not exceed 250 percent of the  
 17 federal poverty level; and

18 (D) Who does not have more than the maximum amount of disqualified income under section  
 19 32(i) of the Internal Revenue Code that is allowed to a taxpayer entitled to the earned income tax  
 20 credit for federal tax purposes.

21 (f) “Qualifying child” has the meaning given that term in section 152(c) of the Internal Revenue  
 22 Code, determined without regard to section 152(c)(1)(D) of the Internal Revenue Code or section  
 23 152(e) of the Internal Revenue Code, except that it is limited to an individual who is under 13 years  
 24 of age, or who is a child with a disability, as that term is defined in ORS 316.099.

25 (2) A taxpayer is not disqualified from claiming the credit under this section solely because the  
 26 taxpayer’s spouse has a disability, if the disability is such that it prevents the taxpayer’s spouse  
 27 from providing child care, being gainfully employed, seeking employment and attending school. The  
 28 Department of Revenue may require that a physician verify the existence of the disability and its  
 29 severity.

30 (3) A qualified taxpayer shall be allowed a credit against the taxes otherwise due under ORS  
 31 chapter 316 equal to the applicable percentage of the qualified taxpayer’s child care expenses  
 32 (rounded to the nearest \$50).

33 (4) The applicable percentage to be used in calculating the amount of the credit provided in this  
 34 section shall be determined in accordance with the following table:

---

37	Applicable	Greater of Oregon
38	Percentage	Adjusted Gross Income or
39		Federal Adjusted
40		Gross Income, as Percent
41		of Federal Poverty Level
42		
43	40	200 or less
44	36	Greater than 200 and less than
45		or equal to 210

1	32	Greater than 210 and less than
2		or equal to 220
3	24	Greater than 220 and less than
4		or equal to 230
5	16	Greater than 230 and less than
6		or equal to 240
7	8	Greater than 240 and less than
8		or equal to 250
9	0	Greater than 250 percent
10		of federal poverty level

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12  
13 (5) The department may:

14 (a) Adopt rules for carrying out the provisions of this section; and

15 (b) Prescribe the form used to claim a credit and the information required on the form. The form  
16 may provide for verification of an individual's disability by a physician, if applicable, as described  
17 in subsection (2) of this section.

18 (6) In the case of a credit allowed under this section:

19 (a) A nonresident shall be allowed the credit under this section in the proportion provided in  
20 ORS 316.117.

21 (b) If a change in the status of a taxpayer from resident to nonresident or from nonresident to  
22 resident occurs, the credit allowed by this section shall be determined in a manner consistent with  
23 ORS 316.117.

24 (c) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the  
25 Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit al-  
26 lowed under this section shall be prorated or computed in a manner consistent with ORS 314.085.

27 (d) In the case of a qualified taxpayer who is married, a credit shall be allowed under this sec-  
28 tion only if:

29 (A) The taxpayer files a joint return;

30 (B) The taxpayer files a separate return and is legally separated or subject to a separate main-  
31 tenance agreement; or

32 (C) The taxpayer files a separate return and the taxpayer and the taxpayer's spouse reside in  
33 separate households on the last day of the tax year with the intent of remaining in separate  
34 households in the future.

35 (7) If the amount allowable as a credit under this section, when added to the sum of the amounts  
36 allowable as payment of tax under ORS 316.187 (withholding), ORS 316.583 (estimated tax), other tax  
37 prepayment amounts and other refundable credit amounts, exceeds the taxes imposed by ORS chap-  
38 ters 314 and 316 for the tax year (reduced by any nonrefundable credits allowable for purposes of  
39 ORS chapter 316 for the tax year), the amount of the excess shall be refunded to the taxpayer as  
40 provided in ORS 316.502.

41 (8)(a) The minimum amount of earned income a taxpayer must earn in order to be a qualified  
42 taxpayer shall be adjusted for tax years beginning in each calendar year by multiplying \$6,000 by  
43 the ratio of the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive  
44 months ending August 31 of the prior calendar year over the monthly averaged index for the second  
45 quarter of the calendar year 1998.

1 (b) As used in this subsection, “U.S. City Average Consumer Price Index” means the U.S. City  
 2 Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of  
 3 Labor Statistics of the United States Department of Labor.

4 (c) If any adjustment determined under paragraph (a) of this subsection is not a multiple of \$50,  
 5 the adjustment shall be rounded to the nearest multiple of \$50.

6 (d) Notwithstanding paragraphs (a) to (c) of this subsection, the adjusted minimum amount of  
 7 earned income a taxpayer must earn may not exceed the amount an individual would earn if the  
 8 individual worked 1,040 hours at the minimum wage established under ORS 653.025 **or section 2**  
 9 **of this 2023 Act, as applicable**, and in effect on January 1 of the calendar year in which begins  
 10 the tax year of the taxpayer, rounded to the next lower multiple of \$50.

11 **SECTION 15.** ORS 464.250 is amended to read:

12 464.250. (1) The Department of Justice has the following powers and duties relating to the reg-  
 13 ulation of bingo, lotto or raffle games or Monte Carlo events:

14 (a) To authorize and regulate the operation of bingo, lotto and raffle games and Monte Carlo  
 15 events permitted under ORS 167.117 and to adopt rules in accordance with applicable provisions of  
 16 ORS chapter 183 for the performance of the department’s duties.

17 (b) To issue and renew licenses and permits for operation of bingo, lotto and raffle games and  
 18 Monte Carlo events, including the manufacturers and suppliers of equipment and supplies necessary  
 19 for the operation of the games and events and escrow agents holding money or property to be  
 20 awarded as a prize, and to adopt license and permit fees. Licenses and permits are valid for one year  
 21 unless renewed. The department shall set fees at an amount sufficient to cover all costs incurred  
 22 by the department in its activities. License fees consist of an initial payment, in an amount estab-  
 23 lished by rule, prior to issuance or renewal of the license, together with a monthly payment con-  
 24 stituting a percentage of the licensee’s monthly gross income from the operation each month  
 25 thereafter. An applicant for a license or a permit shall submit with the application a sum adequate  
 26 to pay the required initial fee payment. If the applicant later withdraws the application or the de-  
 27 partment denies the application, the department shall retain the portion of the amount submitted to  
 28 it that will pay the reasonable costs expended for processing and investigating the application. If  
 29 the fee adopted by the department is less than the actual expenses of the department to investigate  
 30 an application, the department may charge to the applicant an additional fee to repay the depart-  
 31 ment for those costs. The department may refuse to proceed with its investigation or to issue a li-  
 32 cense until the department has been fully paid for those costs. The department shall create at least  
 33 two classes of licenses for each activity regulated under this section. The licensing and operational  
 34 requirements for licensees and the extent to which background checks are conducted under para-  
 35 graph (d)(B) of this subsection must be commensurate with the size of the licensee’s bingo, lotto,  
 36 raffle or Monte Carlo event operations. The department shall adopt rules exempting from licensing  
 37 any organization that would otherwise qualify for a license and that is engaged in minimal bingo,  
 38 lotto or Monte Carlo event activity.

39 (c) To prescribe the manner and method of payment of all moneys to be paid to or collected by  
 40 the department.

41 (d) To adopt requirements as to what information an applicant must provide to the department.  
 42 However, each license applicant must provide, and the department shall require, the names and ad-  
 43 dresses of all persons having a management or ownership interest in the bingo, lotto, raffle or Monte  
 44 Carlo event operation or in the premises on which the operation is conducted and the names and  
 45 addresses of all officers and directors of the applicant organization. The department shall also re-

1 quire the names and addresses of all persons employed in bingo, lotto, raffle or Monte Carlo event  
2 operations. The following apply to applications under this paragraph:

3 (A) An applicant shall certify, under oath, that the persons named on the application are all of  
4 the persons known by the applicant to have an interest in the bingo, lotto, raffle or Monte Carlo  
5 event operation or the premises on which the operation is conducted including all officers and di-  
6 rectors of the applicant organization.

7 (B) The department may require fingerprints, a photograph, a handwriting sample and back-  
8 ground checks, including state and nationwide criminal records checks under ORS 181A.195, on any  
9 person seeking a license from it or any person holding an interest in any bingo, lotto, raffle or  
10 Monte Carlo event operation or in the premises on which it is conducted. The department may also  
11 require fingerprints or background checks, including state and nationwide criminal records checks  
12 under ORS 181A.195, of any manager or other employee of such a bingo, lotto, raffle or Monte Carlo  
13 event operation.

14 (e) To adopt record keeping requirements for licensees of the department and the submission of  
15 reports to the department as the department determines necessary. The department may require  
16 licensees to record and report income from bingo, lotto, raffle, Monte Carlo events, concessions and  
17 other related operations, the amounts received from each player, the costs and expenses of oper-  
18 ations, the nature and value of prizes and the fact of distribution of such prizes to the winners  
19 thereof. The department may adopt internal financial and inventory control requirements under this  
20 paragraph that are based on and commensurate with the size of a licensee's bingo, lotto, raffle or  
21 Monte Carlo event operations.

22 (f) To regulate and establish maximum limits on income derived by licensees from bingo, lotto,  
23 raffles or Monte Carlo events. However, in establishing limits, the department shall take into ac-  
24 count:

25 (A) The nature, character and scope of the activities of the licensee;

26 (B) The sources of other income to the licensee; and

27 (C) The percentage or extent to which income derived from bingo, lotto, raffles or Monte Carlo  
28 events is used for charitable purposes, as distinguished from nonprofit purposes other than charity.

29 (g) To regulate the manner of operation of bingo, lotto and raffle games and Monte Carlo events  
30 conducted by licensees, including the approval of which games may be played and the equipment to  
31 be used. The department shall regulate the types of equipment, rules and methods of play to ensure  
32 the integrity and fairness of the games.

33 (h) To cooperate with state and local law enforcement agencies in investigating matters within  
34 the scope of the department's duties and responsibilities.

35 (i) To establish maximum limits on compensation paid to persons employed by charitable,  
36 fraternal or religious licensees, for the purpose of conducting licensed games, not to exceed 200  
37 percent of the applicable Oregon minimum wage rate under ORS 653.025 **or, if applicable, under**  
38 **section 2 of this 2023 Act**, or, for a person who supervises a bingo, lotto, raffle or Monte Carlo  
39 event operation for a charitable, fraternal or religious organization and is subject to the limitations  
40 of ORS 464.340, 300 percent of the applicable Oregon minimum wage rate under ORS 653.025 **or**  
41 **under section 2 of this 2023 Act, as applicable**, and to establish maximum limits for other ex-  
42 penses connected with such operations. In establishing these limits, the department shall consider  
43 the amount of income received, or expected to be received, by the organization from the bingo, lotto,  
44 raffle, Monte Carlo events, concessions and other related operations and the amount of money the  
45 operation could generate for the organization's purposes absent such expenses. The department may

1 also take into account other factors, including but not limited to whether charitable purposes are  
 2 benefited by the activities.

3 (2) The department may not require a person working as a volunteer in a bingo, lotto, raffle or  
 4 Monte Carlo event operation conducted by a bona fide charitable, fraternal or religious organization  
 5 to obtain a permit for such work if the person does not receive compensation of any kind from the  
 6 organization, other than reimbursement for actual or reasonable expenses, or have any managerial  
 7 or supervisory responsibility in connection with it. The department may require that bingo, lotto,  
 8 raffle and Monte Carlo event operators employing unlicensed volunteers submit to the department  
 9 periodically the names, addresses and dates of birth of the volunteers. The department may adopt  
 10 reasonable character standards for volunteers, and if a volunteer does not meet the standards, the  
 11 department may require that the licensee not allow the volunteer to work for the licensee.

12 (3) Subject to ORS 167.118, the department may establish by rule value limits for prizes awarded  
 13 at bingo, lotto or raffle games or Monte Carlo events and may regulate or prohibit the giving to  
 14 patrons of any other thing of value to promote attendance at the games.

15 (4) The department may establish by rule a maximum amount that a person may wager at a  
 16 Monte Carlo event.

17 **SECTION 16.** ORS 653.010 is amended to read:

18 653.010. As used in ORS 653.010 to 653.261, unless the context requires otherwise:

19 (1) “Commissioner” means the Commissioner of the Bureau of Labor and Industries.

20 (2) “Employ” includes to suffer or permit to work but does not include voluntary or donated  
 21 services performed for no compensation or without expectation or contemplation of compensation  
 22 as the adequate consideration for the services performed for a public employer referred to in sub-  
 23 section (3) of this section, or a religious, charitable, educational, public service or similar nonprofit  
 24 corporation, organization or institution for community service, religious or humanitarian reasons or  
 25 for services performed by general or public assistance recipients as part of any work training pro-  
 26 gram administered under the state or federal assistance laws.

27 (3) “Employer” means any person who employs another person including the State of Oregon  
 28 or a political subdivision thereof or any county, city, district, authority, public corporation or entity  
 29 and any of their instrumentalities organized and existing under law or charter.

30 (4) “Minor” means any person under 18 years of age.

31 (5) “Occupation” means any occupation, service, trade, business, industry, or branch or group  
 32 of industries or employment or class of employment in which employees are gainfully employed.

33 (6) “Organized camp” means a day or resident camp, whether or not operated for profit, estab-  
 34 lished to give campers recreational, creative, religious or educational experience in cooperative  
 35 group living wherein the activities are conducted on a closely supervised basis, whether or not the  
 36 camp is used primarily by an organized group or by members of the public and whether or not the  
 37 activities or facilities are furnished free of charge or for the payment of a fee.

38 (7) “Outside salesperson” means any employee who is employed for the purpose of and who is  
 39 customarily and regularly engaged away from the employer’s place or places of business in making  
 40 sales, or obtaining orders, or obtaining contracts for services and whose hours of work of any other  
 41 nature for the employer do not exceed 30 percent of the hours worked in the workweek by the  
 42 nonexempt employees of the employer.

43 (8) “Piece-rate” means a rate of pay calculated on the basis of the quantity of the crop har-  
 44 vested.

45 (9) “Salary” means no less than the wage set pursuant to ORS 653.025 **or section 2 of this 2023**



1 **Act, as applicable**, multiplied by 2,080 hours per year, then divided by 12 months.

2 (10) “Wages” means compensation due to an employee by reason of employment, payable in legal  
3 tender of the United States or check on banks convertible into cash on demand at full face value,  
4 subject to such deductions, charges or allowances as are permitted in ORS 653.035.

5 (11) “Work time” includes both time worked and time of authorized attendance.

6 **SECTION 17.** ORS 653.020 is amended to read:

7 653.020. ORS 653.010 to 653.261 do not apply to any of the following employees:

8 (1) An individual employed in agriculture if:

9 (a) Such individual is employed as a hand harvest or pruning laborer and is paid on a piece-rate  
10 basis in an operation which has been, and is customarily and generally recognized as having been,  
11 paid on a piece-rate basis in the region of employment and is employed by an employer who did not,  
12 during any calendar quarter during the preceding year, use more than 500 piece-rate-work-days of  
13 agricultural labor;

14 (b) Such individual is the parent, spouse, child or other member of the employer’s immediate  
15 family;

16 (c) Such individual:

17 (A) Is employed as a hand harvest or pruning laborer and is paid on a piece-rate basis in an  
18 operation which has been, and is customarily and generally recognized as having been, paid on a  
19 piece-rate basis in the region of employment;

20 (B) Commutes daily from a permanent residence to the farm on which the individual is so em-  
21 ployed; and

22 (C) Has been employed in agricultural labor less than 13 weeks during the preceding calendar  
23 year;

24 (d) Such individual, other than an individual described in paragraph (c) of this subsection:

25 (A) Is 16 years of age or under and is employed as a hand harvest laborer, is paid on a piece-rate  
26 basis in an operation which has been, and is customarily and generally recognized as having been,  
27 paid on a piece-rate basis in the region of employment; and

28 (B) Is paid at the same piece-rate as employees over 16 years of age on the same farm; or

29 (e) Such employee is principally engaged in the range production of livestock and earns a salary  
30 and is paid on a salary basis.

31 (2) An individual employed in domestic service on a casual basis in or about a family home.

32 (3) An individual engaged in administrative, executive or professional work who:

33 (a) Performs predominantly intellectual, managerial or creative tasks;

34 (b) Exercises discretion and independent judgment; and

35 (c) Earns a salary and is paid on a salary basis.

36 (4) An individual employed by the United States.

37 (5) An individual who is employed by an institution whose function is primary or secondary ed-  
38 ucation, and in which the individual is an enrolled student.

39 (6) An individual engaged in the capacity of an outside salesperson or taxicab operator.

40 (7) An individual domiciled at a place of employment for the purpose of being available for  
41 emergency or occasional duties for time other than that spent performing these duties, provided that  
42 when the individual performs emergency or occasional duties, the individual must be paid no less  
43 than the wage specified in ORS 653.025 **or section 2 of this 2023 Act, as applicable.**

44 (8) An individual paid for specified hours of employment, the only purpose of which is to be  
45 available for recall to duty.

1 (9) An individual domiciled at multiunit accommodations designed to provide other people with  
2 temporary or permanent lodging, for the purpose of maintenance, management or assisting in the  
3 management of same.

4 (10) An individual employed on a seasonal basis at:

5 (a) An organized camp operated for profit that generates gross annual income of less than  
6 \$500,000; or

7 (b) A nonprofit organized camp.

8 (11) An individual employed at a nonprofit conference ground or center operated for educational,  
9 charitable or religious purposes.

10 (12) An individual who performs services as a volunteer firefighter, as defined in ORS 652.050.

11 (13) An individual who performs child care services in the home of the individual or in the home  
12 of the child.

13 (14) An individual employed in domestic service employment in or about a family home to pro-  
14 vide companionship services for individuals who, because of age or infirmity, are unable to care for  
15 themselves.

16 (15) An individual who performs service as a caddy at a golf course in an established program  
17 for the training and supervision of caddies under the direction of a person who is an employee of  
18 the golf course.

19 (16) An individual who volunteers as a golf course marshal if:

20 (a) The services the individual provides are limited to monitoring starting times and speed of  
21 play and informing golfers of golf course etiquette;

22 (b) The individual is not allowed to provide volunteer golf course marshal services for more than  
23 30 hours in a calendar week; and

24 (c) The individual receives no wage other than golf passes for providing the volunteer golf  
25 course marshal services.

26 (17) An individual employed as a resident manager by an adult foster home that is licensed  
27 pursuant to ORS 443.705 to 443.825 and who is domiciled at the adult foster home.

28 (18) An individual residing in a mobile home park or manufactured dwelling park designed to  
29 provide other people with temporary or permanent lodging, for the purpose of maintenance, man-  
30 agement or in assisting in the management of same.

31 (19) An individual who volunteers as a campground host and who resides in a campground  
32 owned by a public agency that provides temporary accommodations for travelers, whether under  
33 public or private management, and who provides information and emergency assistance.

34 (20) An individual who:

35 (a) Is registered with the National Ski Patrol or a similar nonprofit ski patrol organization as  
36 a nonprofessional ski patroller and who receives no wage other than passes authorizing access to  
37 and use of a ski area, as defined in ORS 30.970, for performing ski patrol services, including but not  
38 limited to services related to preserving the safety of and providing information to skiers or  
39 snowboarders; or

40 (b) Receives no wage other than passes authorizing access to and use of a ski area, as defined  
41 in ORS 30.970, for performing services directly related to the organizing or conducting of skiing or  
42 snowboarding races or other similar competitions that are:

43 (A) Sponsored and organized by a nonprofit corporation, as defined in ORS 65.001; and

44 (B) Held in a ski area, as defined in ORS 30.970.

45 **SECTION 18.** ORS 653.030 is amended to read:

1           653.030. The Commissioner of the Bureau of Labor and Industries shall issue rules prescribing  
2 the employment of other types of persons at fixed minimum hourly wage rates lower than the mini-  
3 mum wage rate required by ORS 653.025 **or section 2 of this 2023 Act, as applicable**, when the  
4 commissioner has determined that the application of ORS 653.025 **or section 2 of this 2023 Act**  
5 would substantially curtail opportunities for employment for specific types of persons. The types of  
6 persons for whom a minimum hourly wage rate may be set are limited to persons who are student-  
7 learners, as defined in ORS 653.070.

8           **SECTION 19.** ORS 653.033 is amended to read:

9           653.033. (1) An employer who is authorized to employ individuals with disabilities at subminimum  
10 wage pursuant to a special certificate issued under 29 U.S.C. 214(c) or in accordance with rules  
11 under ORS 653.030 or of the Department of Human Services may not employ or agree to employ  
12 individuals with disabilities at an hourly rate lower than:

13           (a) From July 1, 2020, to June 30, 2021, \$9.25.

14           (b) From July 1, 2021, to June 30, 2022, \$10.75.

15           (c) From July 1, 2022, to June 30, 2023, \$12.50.

16           (2) After June 30, 2023, an employer who is authorized to employ individuals with disabilities  
17 at subminimum wage pursuant to a special certificate issued under 29 U.S.C. 214(c) or in accordance  
18 with rules under ORS 653.030 or of the Department of Human Services may not employ or agree to  
19 employ individuals with disabilities at a rate lower than the hourly rate required under ORS 653.025  
20 **or section 2 of this 2023 Act, as applicable.**

21           **SECTION 20.** ORS 653.035 is amended to read:

22           653.035. (1) Employers may deduct from the minimum wage to be paid employees under ORS  
23 653.025, 653.030 or 653.261 **or section 2 of this 2023 Act, as applicable**, the fair market value of  
24 lodging, meals or other facilities or services furnished by the employer for the private benefit of the  
25 employee.

26           (2) Employers may include commission payments to employees as part of the applicable minimum  
27 wage for any pay period in which the combined wage and commission earnings of the employee will  
28 comply with ORS 653.010 to 653.261. In any pay period where the combined wage and commission  
29 payments to the employee do not add up to the applicable minimum wage under ORS 653.010 to  
30 653.261, the employer shall pay the minimum rate as prescribed in ORS 653.010 to 653.261.

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

34           **SECTION 21.** ORS 653.070 is amended to read:

35           653.070. (1) As used in this section:

36           (a) “Bona fide professional training program” includes any professional training program ap-  
37 proved by the Superintendent of Public Instruction pursuant to rules of the State Board of Education  
38 which provides for part-time employment training which may be scheduled for a part of the workday  
39 or workweek, for alternating weeks or for other limited periods during the year, supplemented by  
40 and integrated with a definitely organized plan of instruction designed to teach technical knowledge  
41 and related information given as a regular part of the student-learner’s course by an accredited  
42 school, college or university.

43           (b) “Student-learner” means a student who is receiving instruction in an accredited school, col-  
44 lege or university and who is employed on a part-time basis, pursuant to a bona fide professional  
45 training program.

1 (2) Notwithstanding ORS 653.025, employers shall pay student-learners at least 75 percent of the  
 2 minimum wage prescribed by ORS 653.025 **or section 2 of this 2023 Act, as applicable.**

3 (3) The number of hours of employment training for a student-learner at subminimum wages,  
 4 when added to the hours of school instruction, shall not exceed eight hours on any day or 40 hours  
 5 in any week.

6 (4) The Commissioner of the Bureau of Labor and Industries may adopt rules prescribing the  
 7 procedures and requirements for application and issuance of special certificates authorizing the  
 8 employment of student-learners at subminimum wages. The rules shall require that the following  
 9 conditions be satisfied before the issuance of such special certificates:

10 (a) The employment of the student-learner at subminimum wages authorized by the special cer-  
 11 tificate must be necessary to prevent curtailment of opportunities for employment.

12 (b) The occupation for which the student-learner is receiving preparatory training must require  
 13 a sufficient degree of skill to necessitate a substantial learning period.

14 (c) The training must not be for the purpose of acquiring manual dexterity and high production  
 15 speed in repetitive operations.

16 (d) The employment of a student-learner must not have the effect of displacing a worker em-  
 17 ployed in the establishment.

18 (e) The employment of the student-learners at subminimum wages must not tend to impair or  
 19 depress the wage rates or working standards established for experienced workers for work of a like  
 20 or comparable character.

21 (f) The occupational needs of the community or industry warrant the training of student-  
 22 learners.

23 (g) There are no serious outstanding violations of the provisions of a student-learner certificate  
 24 previously issued to the employer, or serious violations of any other provisions of law by the em-  
 25 ployer which provide reasonable grounds to conclude that the terms of the certificate would not be  
 26 complied with, if issued.

27 (h) The issuance of such a certificate would not tend to prevent the development of apprentice-  
 28 ship under ORS 660.002 to 660.210 or would not impair established apprenticeship standards in the  
 29 occupation or industry involved.

30 (i) The number of student-learners to be employed in one establishment must not be more than  
 31 a small proportion of its working force.

32 (5) Failure to comply with subsection (2) or (3) of this section shall subject the employer to a  
 33 penalty of 75 percent of the minimum wage prescribed by ORS 653.025 **or section 2 of this 2023**  
 34 **Act, as applicable,** for each hour of work time that the student-learner is gainfully employed. The  
 35 Commissioner of the Bureau of Labor and Industries shall have a cause of action against the em-  
 36 ployer for the recovery of the penalty.

37 **SECTION 22.** ORS 653.606 is amended to read:

38 653.606. (1)(a) Employers that employ at least 10 employees working anywhere in this state shall  
 39 implement a sick time policy that allows an employee to accrue at least one hour of paid sick time  
 40 for every 30 hours the employee works or 1-1/3 hours for every 40 hours the employee works. Em-  
 41 ployers may limit the number of hours of paid sick time that employees may accrue to 40 hours per  
 42 year.

43 (b) Employers that employ fewer than 10 employees working anywhere in this state shall im-  
 44 plement a sick time policy that allows an employee to accrue at least one hour of unpaid sick time  
 45 for every 30 hours the employee works or 1-1/3 hours for every 40 hours the employee works. Em-

1 employers may limit the number of hours of unpaid sick time that employees may accrue to 40 hours  
 2 per year.

3 (c) Employers that employ at least 10 employees working anywhere in this state and front-load  
 4 for employees at least 40 hours of paid sick time or paid time off at the beginning of each year used  
 5 to calculate the accrual and usage of sick time or time off need not comply with subsections (1)(a)  
 6 and (3) of this section.

7 (d) Employers that employ fewer than 10 employees working anywhere in this state and front-  
 8 load for employees at least 40 hours of unpaid sick time or unpaid time off at the beginning of each  
 9 year used to calculate the accrual and usage of sick time or time off need not comply with sub-  
 10 sections (1)(b) and (3) of this section.

11 (2)(a) The number of employees employed by an employer shall be ascertained by determining  
 12 that the per-day average number of employees is 10 or greater for each of 20 workweeks in the  
 13 calendar year or the fiscal year of the employer immediately preceding the year in which the leave  
 14 is to be taken.

15 (b) If the business of the employer was not in existence for the entire year preceding the de-  
 16 termination made under paragraph (a) of this subsection, the number of employees shall be based  
 17 on any 20 workweeks preceding the request for sick time, which may include workweeks in the  
 18 current year, the preceding year or a combination of workweeks in the current year and the pre-  
 19 ceding year.

20 (c) As used in this subsection, “employee” does not include an individual or the parent, spouse  
 21 or child of an individual who is:

22 (A) A director of a corporation who has a substantial ownership interest in the corporation;

23 (B) A member of a limited liability company who has:

24 (i) A right to vote on or consent to any matter submitted to a vote or requiring the consent of  
 25 the members of the limited liability company; and

26 (ii) A substantial ownership interest in the limited liability company;

27 (C) A partner of a limited liability partnership who has a substantial ownership interest in the  
 28 limited liability partnership; or

29 (D) A sole proprietor of a business.

30 (d) As used in paragraph (c) of this subsection, “substantial ownership interest” means a per-  
 31 centage of ownership equal to or greater than the average percentage of ownership of all owners,  
 32 but not less than 15 percent.

33 (3) An employee shall begin to earn and accrue sick time on the first day of employment with  
 34 an employer. The employee may carry over up to 40 hours of unused sick time from one year to a  
 35 subsequent year. However, an employer:

36 (a) May adopt a policy that limits an employee to accruing no more than 80 total hours of sick  
 37 time; and

38 (b) May adopt a policy that limits an employee to using no more than 40 hours of sick time in  
 39 a year.

40 (4)(a) An employer is not required to carry over unused sick time if, by mutual consent, the  
 41 employer and an employee agree that:

42 (A) If the employer has 10 or more employees working anywhere in this state, the employee will  
 43 be paid for all unused paid sick time at the end of the year in which the sick time is accrued and  
 44 the employer will credit the employee with an amount of paid sick time that meets the requirements  
 45 of this section on the first day of the immediately subsequent year; or

1 (B) If the employer has fewer than 10 employees working anywhere in this state, the employer  
2 will credit the employee with an amount of sick time that meets the requirements of this section  
3 on the first day of the immediately subsequent year.

4 (b) The Commissioner of the Bureau of Labor and Industries shall adopt rules for the determi-  
5 nation of the number of employees employed by an employer.

6 (5)(a) An employee is eligible to use sick time beginning on the 91st calendar day of employment  
7 with the employer and may use sick time as it is accrued.

8 (b) An employer may authorize an employee to use accrued sick time prior to the 91st calendar  
9 day of employment.

10 (c)(A) An employer that employs 10 or more employees working anywhere in this state shall pay  
11 an employee for accrued sick time used at the regular rate of pay of the employee.

12 (B) For an employee who is paid on a commission or piece-rate basis by an employer that em-  
13 ploys 10 or more employees working anywhere in this state, the employer shall pay the employee  
14 for accrued sick time used at a rate equal to at least the minimum wage specified in ORS 653.025  
15 **or section 2 of this 2023 Act, as applicable.**

16 (C) For an employee who is paid an hourly, weekly or monthly wage and is also paid on a  
17 piece-rate or commission basis by an employer that employs 10 or more employees working any-  
18 where in this state, the employer shall pay the employee for accrued sick time used at a rate  
19 equivalent to the employee's hourly, weekly or monthly wage or equal to the minimum wage speci-  
20 fied in ORS 653.025, **or, as applicable, the minimum wage specified in section 2 of this 2023**  
21 **Act**, whichever is greater.

22 (6) An employee who is exempt from overtime requirements under 29 U.S.C. 213(a)(1) of the  
23 federal Fair Labor Standards Act of 1938 is presumed to work 40 hours in each workweek for the  
24 purpose of accrual of sick time unless the actual workweek of the employee is less than 40 hours,  
25 in which case sick time accrues based on the actual workweek of the employee.

26 (7) Nothing in ORS 653.601 to 653.661 requires an employer to compensate an employee for ac-  
27 crued unused sick time upon the employee's termination, resignation, retirement or other separation  
28 from employment.

29 (8) An employer may not require an employee to:

30 (a) Search for or find a replacement worker as a condition of the employee's use of accrued sick  
31 time; or

32 (b) Work an alternate shift to make up for the use of sick time.

33 (9) Upon mutual consent by the employee and the employer, an employee may work additional  
34 hours or shifts to compensate for hours or shifts during which the employee was absent from work  
35 without using accrued sick time for the hours or shifts missed. However, the employer may not  
36 require the employee to work additional hours or shifts authorized by this subsection. If the em-  
37 ployee works additional hours or shifts, the employer must comply with any applicable federal, state  
38 or local laws regarding overtime pay.

39 (10) An employee retains accrued sick time if the employer sells, transfers or otherwise assigns  
40 the business or an interest in the business to another employer.

41 (11)(a) An employer shall restore previously accrued unused sick time to an employee who is  
42 reemployed by that employer within 180 days of separation from employment with the employer.

43 (b) If an employee leaves employment with an employer before the 91st day of employment and  
44 subsequently is reemployed by that employer within 180 days of separation from employment, the  
45 employer shall restore the accrued sick time balance the employee had when the employee left the

1 employment of the employer and the employee may use accrued sick time after the combined total  
2 of days of employment with the employer exceeds 90 calendar days.

3 (12) If an employee is transferred to a separate division, entity or location of the employer but  
4 remains employed by that same employer, the employee is entitled to use all sick time accrued while  
5 working at the former division, entity or location of the employer and is entitled to retain or use  
6 all sick time as provided by ORS 653.601 to 653.661.

7 (13) Employers located in a city with a population exceeding 500,000 shall comply with ORS  
8 653.601 to 653.661, except that:

9 (a) If an employer located in a city with a population exceeding 500,000 employs at least six  
10 employees working anywhere in this state, the employer shall implement a policy consistent with  
11 this section as it applies to employers with at least 10 employees working anywhere in this state.

12 (b) If an employer located in a city with a population exceeding 500,000 employs fewer than six  
13 employees working anywhere in this state, the employer shall implement a policy consistent with  
14 this section as it applies to employers with fewer than 10 employees working anywhere in this state.

15 **SECTION 23.** ORS 653.045 is amended to read:

16 653.045. (1) Every employer required by ORS 653.025 **or, as applicable, section 2 of this 2023**  
17 **Act** or by any rule, order or permit issued under ORS 653.030 to pay a minimum wage to any of the  
18 employer's employees shall make and keep available to the Commissioner of the Bureau of Labor  
19 and Industries for not less than two years, a record or records containing:

20 (a) The name, address and occupation of each of the employer's employees.

21 (b) The actual hours worked each week and each pay period by each employee.

22 (c) Such other information as the commissioner prescribes by the commissioner's rules if neces-  
23 sary or appropriate for the enforcement of ORS 653.010 to 653.261 or of the rules and orders issued  
24 thereunder.

25 (2) Each employer shall keep the records required by subsection (1) of this section open for in-  
26 spection or transcription by the commissioner or the commissioner's designee at any reasonable  
27 time.

28 (3) Every employer of one or more employees covered by ORS 653.010 to 653.261 shall supply  
29 each of the employer's employees with itemized statements of amounts and purposes of deductions  
30 in the manner provided in ORS 652.610.

31 **SECTION 24.** ORS 653.050 is amended to read:

32 653.050. Every employer required by ORS 653.025 **or, as applicable, section 2 of this 2023 Act**  
33 or by any rules, orders or permit issued under ORS 653.030 or 653.261 to pay a minimum wage to  
34 any of the employer's employees shall keep summaries of ORS 653.010 to 653.261 and summaries of  
35 all rules adopted by the Commissioner of the Bureau of Labor and Industries pursuant to ORS  
36 653.010 to 653.261 and 653.307 posted in a conspicuous and accessible place in or about the premises  
37 where the employees are employed. Employers may obtain the summaries from the website of the  
38 Bureau of Labor and Industries or upon request from the bureau, the first copy of which shall be  
39 furnished without charge. In addition, upon request, the bureau shall furnish the complete text of  
40 all rules adopted pursuant to ORS 653.010 to 653.261 and 653.307 to any employer without charge.

41 **SECTION 25.** ORS 653.256, as amended by section 6, chapter 115, Oregon Laws 2022, is  
42 amended to read:

43 653.256. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau  
44 of Labor and Industries may assess a civil penalty not to exceed \$1,000 against any person that  
45 willfully violates ORS 653.025, 653.030, 653.045, 653.050, 653.060, 653.261, 653.265, 653.606, 653.611,

1 653.616, 653.621, 653.626, 653.631 or 653.636 or section 5, chapter 537, Oregon Laws 2015, or section  
2 2, chapter 115, Oregon Laws 2022, **or section 2 of this 2023 Act, as applicable**, or any rule adopted  
3 thereunder.

4 (2) In addition to any other penalty provided by law, the commissioner may assess a civil penalty  
5 not to exceed \$1,000 against any person that intentionally violates ORS 653.077 or any rule adopted  
6 thereunder.

7 (3) Civil penalties authorized by this section shall be imposed in the manner provided in ORS  
8 183.745.

9 (4)(a) All sums collected as penalties under this section shall be first applied toward reimburse-  
10 ment of costs incurred in determining the violations, conducting hearings under this section and  
11 addressing and collecting the penalties.

12 (b) The remainder, if any, of the sums collected as penalties under subsection (1) of this section  
13 shall be paid over by the commissioner to the Department of State Lands for the benefit of the  
14 Common School Fund of this state. The department shall issue a receipt for the money to the com-  
15 missioner.

16 (c) The remainder, if any, of the sums collected as penalties under subsection (2) of this section  
17 shall be paid over by the commissioner to the Department of Human Services for the benefit of the  
18 Breastfeeding Mother Friendly Employer Project. The department shall issue a receipt for the  
19 moneys to the commissioner.

20 **SECTION 26. The amendments to ORS 279B.020, 279B.235, 279C.520 and 279C.540 by**  
21 **sections 5, 6, 7 and 8 of this 2023 Act apply to contracts made on or after the effective date**  
22 **of this 2023 Act, including renewals or extensions of an existing contract made on or after**  
23 **the effective date of this 2023 Act.**

24  
25 **CAPTIONS**

26  
27 **SECTION 27. The unit captions used in this 2023 Act are provided only for the conven-**  
28 **ience of the reader and do not become part of the statutory law of this state or express any**  
29 **legislative intent in the enactment of this 2023 Act.**