

HB 2541 STAFF MEASURE SUMMARY
House Committee On Labor and Workplace Standards

Carrier: Rep. Valderrama

Action Date: 03/24/25
Action: Do Pass.
Vote: 5-0-2-0
Yeas: 5 - Fragala, Grayber, Munoz, Nelson, Scharf
Exc: 2 - Boshart Davis, Elmer
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Erin Seiler, LPRO Analyst
Meeting Dates: 3/19, 3/24

WHAT THE MEASURE DOES:

The measure provides an individual employed in agriculture as a hand harvest or pruning laborer paid on a piece-rate basis in an operation, commutes daily from a permanent residence to the farm on which the individual is so employed, and has been employed in agricultural labor less than 13 weeks during the preceding calendar year has the right to express breast milk in the workplace. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Specific type of agricultural worker currently excluded from breast milk expression protections
- Legislative history of breast milk expression protections
- Importance of lactation breaks for breastfeeding mothers
- Impact on employees, employers, and workplace
- Agricultural employers' history of compliance with protections
- Application of protections in different agricultural working environments
- Responsibility of labor contractor to comply with requirements
- Awareness of exclusion by this type of agricultural workers

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Current Oregon law requires employers to provide reasonable rest periods for employees to express milk as frequently as needed for the child's first 18 months. The employee is required, if possible, to time the rest periods to express milk to coincide with rest and meal that are otherwise provided. There is no requirement that the rest periods to express milk be paid when they are extended beyond the time employer is required to provided paid rest period. An employer who has 10 or fewer employees is not required to comply with the rest period to express milk if doing so imposes an undue hardship on the business.

Oregon wage and hour laws provide for minimum wage and employment conditions including meal period, rest breaks, and overtime for employees. However, there are employees who are exempt from these laws including agriculture employees employed as a hand harvest or pruning laborer and paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, commutes daily from a permanent residence to the farm on which the individual is so employed, and has been employed in agricultural labor less than 13 weeks during the preceding calendar year.

House Bill 2541 clarifies that an individual employed in agriculture as a hand harvest or pruning laborer paid on a piece-rate basis in an operation, commutes daily from a permanent residence to the farm on which the individual is so employed, and has been employed in agricultural labor less than 13 weeks during the preceding calendar

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year has the right to express breast milk in the workplace.