

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	6 - 0 - 1
Yeas:	Berger, Edwards C., Esquivel, Holvey, Rosenbaum, Schaufler
Nays:	0
Exc.:	Smith P.
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	5/2

WHAT THE MEASURE DOES: Directs the Bureau of Labor and Industries to adopt rules to allow tipped restaurant workers to waive their meal periods. Prohibits an employer from coercing affected employees into waiving a meal period and establishes a penalty of up to \$2000 for violations. Establishes a sunset date of January 2, 2012.

ISSUES DISCUSSED:

- Number of individuals who petitioned the Bureau of Labor and Industries to allow mandatory meal periods to be waived
- Why tipped restaurant workers would like to have a meal period waived
- Rationale behind the measure's sunset clause
- How an employee can apply for a waiver

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under Oregon law, the typical adult employee whose work period is eight hours long must receive at least a 30 minute unpaid meal period and two paid ten-minute rest breaks. Breaks are required even if the employee does not want to take them.

The Bureau of Labor and Industries (BOLI) has received petitions from restaurant workers who would like the ability to waive their meal periods. SB 403 A directs BOLI to adopt rules which allow tipped restaurant employees to voluntarily waive meal periods and prevent employers from coercing them into waiving a meal period.

The measure establishes that assessed violations are a separate and distinct offense. In the case of a continuing violation, each day's continuance is a separate and distinct violation.