

# House Bill 2673

Sponsored by Representative WITT; Representatives BARKER, BARNHART, BEYER, BUCKLEY, CANNON, COWAN, DINGFELDER, GALIZIO, GREENLICK, HOLVEY, KOTEK, NOLAN, RILEY, ROBLAN, ROSENBAUM, SCHAUFLEER, SHIELDS, TOMEI (at the request of Bureau of Labor and Industries)

## 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**.

Allows Commissioner of Bureau of Labor and Industries to adopt rules permitting overtime pay for work after eight hours in one day or, when employer has adopted alternative workweek schedule that authorizes employee to work 10 hours per day within 40-hour workweek, after 10 hours in one day.

## A BILL FOR AN ACT

1  
2 Relating to overtime rules adopted by Commissioner of Bureau of Labor and Industries; amending  
3 ORS 653.261.

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

5 **SECTION 1.** ORS 653.261 is amended to read:

6 653.261. (1)(a) The Commissioner of the Bureau of Labor and Industries may [*issue*] **adopt** rules  
7 prescribing such minimum conditions of employment, excluding minimum wages, in any occupation  
8 as may be necessary for the preservation of the health of employees. [*Such*] **The** rules may include,  
9 but are not limited to, minimum meal periods and rest periods, and maximum hours of work, but not  
10 less than eight hours per day or 40 hours per week. [*however,*]

11 **(b) The rules may provide that, after eight hours of work in one day or after 40 hours of**  
12 **work in one week, overtime [*may*] shall be paid, but in no case at a rate higher than one and one-**  
13 **half times the regular rate of pay of [*such employees*] the employee when computed without benefit**  
14 **of commissions, overrides, spiffs and similar benefits. The rules may also provide that, if an em-**  
15 **ployer has adopted a regularly scheduled alternative workweek that authorizes an employee**  
16 **to work for 10 hours per day within a 40-hour workweek, after 10 hours of work in one day**  
17 **or after 40 hours of work in one week, overtime shall be paid at the rate described in this**  
18 **paragraph.**

19 (2) Nothing contained in ORS 653.010 to 653.261 shall be construed to confer authority upon the  
20 commissioner to regulate the hours of employment of employees engaged in production, harvesting,  
21 packing, curing, canning, freezing or drying any variety of agricultural crops, livestock, poultry or  
22 fish.

23 (3) Rules [*promulgated*] **adopted** by the commissioner pursuant to subsection (1) of this section  
24 do not apply to individuals employed by this state or a political subdivision or quasi-municipal cor-  
25 poration [*thereof*] **of this state** if other provisions of law or collective bargaining agreements pre-  
26 scribe rules pertaining to conditions of employment referred to in subsection (1) of this section,  
27 including meal periods, rest periods, maximum hours of work and overtime.

28 (4) Rules [*promulgated*] **adopted** by the commissioner pursuant to subsection (1) of this section  
29 regarding meal periods and rest periods do not apply to nurses who provide acute care in hospital

**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 settings if provisions of collective bargaining agreements entered into by the nurses prescribe rules  
2 concerning meal periods and rest periods.  
3 \_\_\_\_\_