

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass

Vote: 8 - 0 - 0

Yeas: Conger, Doherty, Esquivel, Hoyle, Johnson, Matthews, Kennemer, Schaufler

Nays: 0

Exc.: 0

Prepared By: Theresa Van Winkle, Administrator

Meeting Dates: 2/2

WHAT THE MEASURE DOES: Removes the sunset on provisions that allow tipped restaurant workers to voluntarily waive their meal period and that prohibit an employer from coercing such employees into waiving their meal period.

ISSUES DISCUSSED:

- Rationale behind waiving meal periods
- Process for restaurant workers to waive their meal period
- Zero complaints filed to, or sanctions issued by, the Bureau of Labor and Industries

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon statutes require employers to provide meal and rest periods for employees unless they are explicitly exempted. The meal period is to be taken in the middle of their work period, which is considered as the time frame between an employee beginning and ending work. For restaurant workers who receive tips, their meal period often coincides with their biggest opportunity to earn tips.

Senate Bill 403 (2007) directed the Bureau of Labor and Industries to adopt rules which allow tipped restaurant workers to voluntarily waive their meal periods, and that prohibit an employer from coercing affected employees into waiving a meal period. The measure also established a penalty of up to \$2,000 for violations. In the case of a continuing violation, each day's continuance is considered a separate and distinct violation.

House Bill 2240 removes the current sunset date of January 2, 2012.