

House Bill 3302

Sponsored by Representative ESQUIVEL; Representatives DOHERTY, GARRARD

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**.

Requires sergeants employed by Oregon State Police to be paid overtime in accordance with overtime provisions of federal Fair Labor Standards Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to overtime pay for sergeants employed by the Oregon State Police; amending ORS 181.271
3 and 653.269; and declaring an emergency.

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

5 **SECTION 1.** ORS 181.271 is amended to read:

6 181.271. (1) The salaries of members of the Oregon State Police shall be fixed in the same
7 manner as the salaries of other officers and employees in the unclassified service pursuant to ORS
8 240.240.

9 **(2) Sergeants employed by the Oregon State Police shall be paid overtime in accordance**
10 **with the overtime provisions of the federal Fair Labor Standards Act.**

11 **SECTION 2.** ORS 653.269 is amended to read:

12 653.269. The provisions of ORS 653.268 relating to pay for overtime [*shall*] **do** not apply to:

13 (1) Labor employed in forest fire fighting.

14 (2) Employees of any irrigation system district actually engaged in the distribution of water for
15 irrigation or domestic use.

16 (3) Employees of a public employer, as defined in ORS 243.650, [*who are employed in fire pro-*
17 *tection or law enforcement activities, including security personnel in corrections institutions,*] as those
18 employees and **the activities the employees perform** are defined by rule of the Commissioner of
19 the Bureau of Labor and Industries, **who are employed in:**

20 **(a) Fire protection activities; or**

21 **(b) Except as provided in ORS 181.271, law enforcement activities, including security**
22 **personnel in corrections institutions.**

23 (4) Employees of a people's utility district organized under ORS chapter 261.

24 (5) Employees exempted from overtime:

25 (a) By a public employer as defined in ORS 243.650 because of the executive, administrative,
26 supervisory or professional nature of their employment as the nature of such employment is defined
27 by rule of the Commissioner of the Bureau of Labor and Industries; or

28 (b) By a collective bargaining agreement expressly waiving application of ORS 653.268.

29 (6) Employees of a public employer as defined in ORS 243.650 engaged in the operation of a
30 hospital or an establishment that is an institution primarily engaged in the care of persons who are
31 sick or aged or have mental illness or mental retardation and who reside on the premises if, before

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 performance of the work and pursuant to an agreement between the employer and employee or be-
2 tween the employer and the bargaining representative of the employees when the employees are
3 represented under a collective bargaining agreement, a work period of 14 consecutive days is ac-
4 cepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and
5 if, for the employee's employment in excess of eight hours in any workday and in excess of 80 hours
6 in such 14-day period, the employee receives compensation at a rate not less than one and one-half
7 times the rate at which the employee is employed.

8 (7) Members of the organized militia while on state active duty in accordance with ORS 399.075.

9 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
11 **on its passage.**

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