

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3325**

1 Delete lines 5 through 21 of the printed bill and insert:

2 **“SECTION 1.** ORS 653.035 is amended to read:

3 “653.035. (1) Employers may deduct from the minimum wage to be paid  
4 employees under ORS 653.025, 653.030 or 653.261, the fair market value of:

5 **“(a)** Lodging, meals or other facilities or services furnished by the em-  
6 ployer for the private benefit of the employee[.]; **and**

7 **“(b) Health care benefits that are paid by the employer and earned**  
8 **by the employee, provided that the amount of compensation payable**  
9 **in legal tender that is subject to deductions, charges or allowances is**  
10 **not lower than 150 percent of the federal minimum wage, as estab-**  
11 **lished under the federal Fair Labor Standards Act. This paragraph**  
12 **does not convert health care benefits into income earned by the em-**  
13 **ployee for state or federal income tax purposes.**

14 “(2) Employers may include commission payments to employees as part  
15 of the applicable minimum wage for any pay period in which the combined  
16 wage and commission earnings of the employee will comply with ORS 653.010  
17 to 653.261. In any pay period where the combined wage and commission  
18 payments to the employee do not add up to the applicable minimum wage  
19 under ORS 653.010 to 653.261, the employer shall pay the minimum rate as  
20 prescribed in ORS 653.010 to 653.261.

21 “(3) Employers, including employers regulated under the federal Fair La-  
22 bor Standards Act, may not include any amount received by employees as

1 tips in determining the amount of the minimum wage required to be paid by  
2 ORS 653.010 to 653.261.”.

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