

# D R A F T

## SUMMARY

Requires employer in industry with requirement to pay overtime after certain number of hours worked by employee in one day to calculate applicable overtime pay for employee on daily and weekly basis and pay greater of two amounts.

## A BILL FOR AN ACT

1  
2 Relating to calculation of overtime for employee who exceeds maximum al-  
3 lowable hours during workweek; amending ORS 652.020 and 653.265.

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

5 **SECTION 1.** ORS 652.020 is amended to read:

6 652.020. (1)(a) No person shall be employed in any mill, factory or manu-  
7 facturing establishment in this state more than 10 hours in any one day, or  
8 in sawmills, planing mills, shingle mills and logging camps more than eight  
9 hours, exclusive of one hour, more or less, in one day or more than 48 hours  
10 in one calendar week, except logging train crews, guards, boiler operators  
11 and persons engaged in the transportation to and from work, and employees  
12 when engaged in making necessary repairs, or in the case of emergency  
13 where life and property are in imminent danger. However, employees may  
14 work overtime not to exceed three hours in one day, conditioned that pay-  
15 ment be made for said overtime at the rate of time and one-half the regular  
16 wage.

17 **(b) If an employee exceeds the applicable limit for the maximum**  
18 **allowable hours of employment in one day and in one calendar week**  
19 **described in paragraph (a) of this subsection, the employer shall cal-**  
20 **culate overtime payment on a daily and weekly basis and pay the**

1 **greater amount.**

2 (2) No employer shall require or permit any person to work in any place  
3 mentioned in this section more than the hours provided for in this section  
4 during any day of 24 hours. No employer shall permit or suffer an overseer,  
5 superintendent or other agent of the employer to violate this section.

6 (3) This section does not apply to persons employed in the care of quarters  
7 or livestock, conducting messhalls, superintendence and direction of work,  
8 or to the loading and removal of the finished forest product.

9 (4) Subsections (1) and (2) of this section do not apply to employees who  
10 are represented by a labor organization for purposes of collective bargaining  
11 with their employer, provided limits on the required hours of work and  
12 overtime payment have been agreed to between the employer and labor or-  
13 ganization, or if no agreement is reached, then, for the purposes of this  
14 subsection, such limits and payments shall not be deemed to be changed from  
15 the previous collective bargaining agreement between the employer and labor  
16 organization unless the employees have been locked out, are engaged in a  
17 strike or the employer has unilaterally implemented new terms and condi-  
18 tions of employment.

19 **SECTION 2.** ORS 653.265 is amended to read:

20 653.265. (1) When employed in canneries or driers or packing plants, ex-  
21 cluding canneries or driers or packing plants located on farms and primarily  
22 processing products produced on such farms, employees shall be paid time  
23 and a half for time over 10 hours per day and piece workers shall be paid  
24 one and a half the regular prices for all work done during the time they are  
25 employed over 10 hours per day.

26 **(2) If an employee described in subsection (1) of this section works**  
27 **over 10 hours in one day and exceeds the applicable limit for the**  
28 **maximum allowable hours of employment in one calendar week, the**  
29 **employer shall calculate overtime payment on a daily and weekly basis**  
30 **and pay the greater amount.**

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