

19 hours x \$22.50 = \$427.50
Total = \$1140.00

Or:

62 hours (34+9+19) x \$15 = \$930.00
28 hours x \$7.50 = \$210.00
Total = \$1140.00

Q. We have an employee who performs work on our manufacturing floor part of the week and also as a night watchman 2-3 evenings a week. Since watchman duties are exempt, do we need to include that time in daily overtime computations?

A. It depends. The exempt status of an employee is determined by the type of work the individual performs and the location of the work performed in any one day; therefore, the exempt status of individual employees may vary from day to day. Employees performing exempt and nonexempt work are exempt from the provisions of ORS 652.020 only when they are engaged in exempt work more than 50 percent of their working time in any one day. Stated another way, if exempt duties do not constitute more than 50 percent of the work period, all hours worked that day would be included in daily overtime computations.

Q. Our bookkeeper and some other administrative staff work onsite – are they subject to daily overtime or maximum hours restrictions?

A. While the general rule applies to all employees "employed in" a manufacturing establishment, not all employees of manufacturing establishments are subject to daily overtime and maximum hours restrictions. Employees who are employed by the same employer but not employed to perform duties in a mill, factory, or manufacturing establishment are not covered by ORS 652.020 because they are not "employed in" the establishment. In addition, employees who are employed to perform duties that do not include work in connection with production machinery in a mill, factory, or manufacturing establishment (like your administrative staff) are not covered by ORS 652.020, provided they perform their duties in a location that is physically separated from the actual production process by means of an architectural barrier.

Q. We operate a seasonal cannery – would my employees be subject to daily overtime?

A. Again, the answer depends. Canneries are potentially subject to more than one overtime rule:

Employees who work more than 10 hours per day in canneries, driers and packing plants (excluding such establishments that are located on farms and which primarily process products produced on such farms) must be paid for any hours worked over 10 at one and one-half times their regular rate of pay under ORS 653.265.

Agricultural employers should note that even when a cannery, drier or packing plant is located on a farm, employees must be paid daily overtime if the cannery does not primarily process products produced on such farm. In addition, employees of such plants may still be subject to state and federal overtime requirements for hours worked in excess of 40 in a workweek.

Finally, all employers (including cannery operators) should note that the provisions of ORS 652.020 may also require the payment of daily overtime and impose a maximum limit on hours worked each day when operations of the establishment constitute "manufacturing," i.e., the process of making goods or any material produced by machinery; anything made from raw materials by machinery; and the production of articles for use from raw or prepared materials by giving such materials new forms, qualities, properties or combinations, by the use of machinery.

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DISCLAIMER

Nothing on this website is intended as legal advice. Any responses to specific questions are based on the facts as we understand them, and not intended to apply to any other situations. This communication is not an agency order. If you need legal advice, please consult an attorney. We attempt to update the information on this website as soon as practicable following changes or developments in the laws and rules affecting Oregon employers, but we make no warranties or representations, express or implied, about whether the information provided is current. We urge you to check the applicable statutes and administrative rules yourself and to consult with legal counsel prior to taking action that may invoke employee rights or employer responsibilities or omitting to act when required by law to act.

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THIS INFORMATION IS AVAILABLE IN AN ALTERNATE FORMAT.

Hsit Hsit Sample Week Spreadsheet

DATE	IN	LUNCH OUT	LUNCH IN	OUT	Total Daily Hours	Accrued Daily Overtime	Accrued Weekly Overtime
12/27/2015	2:56 PM	8:30 PM	8:59 PM	3:30 AM	12.08	2.08	
12/28/2015	2:57 PM	9:01 PM	9:30 PM	3:23 AM	11.95	1.95	
12/29/2015	2:57 PM	8:35 PM	9:04 PM	3:14 AM	11.80	1.80	
12/30/2015	2:41 PM	10:08 PM	10:37 PM	3:09 AM	11.98	1.98	7.82
12/31/2015	2:56 PM	10:30 PM	10:59 PM	3:31 AM	12.10	2.10	12.10
WEEKLY TOTALS					59.92	9.92	19.92