



Senate Bill 828

With 828-3 amendments



Fair Work Week Act: SB 828-3 Amendments

Measure Summary

The **828-3 version of the Fair Work Week Act** will establish various rules regarding scheduling, based on type of employer:

FOR SMALL EMPLOYERS:

("Employer" has the broad definition given in ORS 652.310, and includes public bodies.)

FOR LARGE EMPLOYERS:

Employers who:

- Have at least **25 employees** in Oregon) *and*,
- Are in **retail, hospitality, or food service** industries.

On-Call Pay (Section Removed)

Employers pay the lesser of 2 hrs or actually scheduled time when an employee reports to work for scheduled time that is then cut.

Good Faith Estimate (Sec. 4)

Employers will provide a good faith estimate of hours and on-call shifts at time of hire, and revisit annually.

Advance Notice of Schedule (Sec. 5)

Employers will provide written work schedules two weeks in advance, including regular and on-call shifts.

Right to Rest Between Shifts (Sec. 6)

Unless employee requests or consents, employer may not schedule shifts across 2 days without 10 hours between them.

Predictability Pay (Sec. 7)

Pay for unplanned schedule changes; half of hours not worked or +1 hour when hours added. Except for requests, emergencies, etc.

Access to Hours (Sec. 8)

Employer must offer additional (non-overtime) hours to existing qualified employees first. Employer may consider seniority, experience.

Right to Request (Sec. 9)

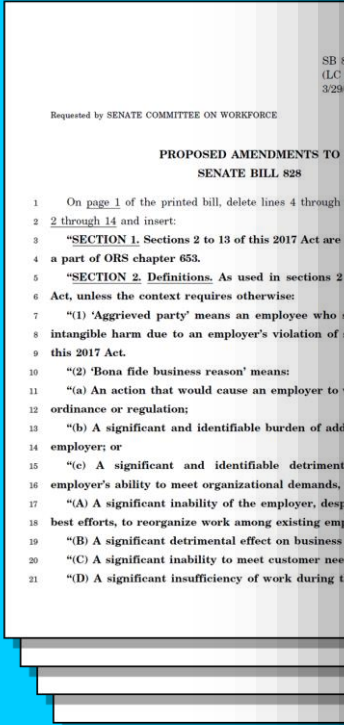
Workers may request a scheduling preference. (There is not an obligation that the employer honor the request.)

Employer Recordkeeping (Sec. 11)

Employers retain records related to compliance, including hours, payroll, etc. Retention for 3 years.

Posting & Administration (Sec. 10, 12-16)

Employers must post relevant BOLI notice. Enforcement through BOLI. Does not create contractual rights for at-will employees.



ADMINISTRATIVE

BUSINESSES

BUSINESSES

BUSINESSES

ADMINISTRATIVE

MEASURE APPLICABILITY

ALL EMPLOYERS

“Employer” has broad definition given in ORS 652.310.

Does not include federal agencies.

LARGE EMPLOYERS

- Over 25 employees in Oregon, AND
- In the **retail, food service, or hospitality** industry.

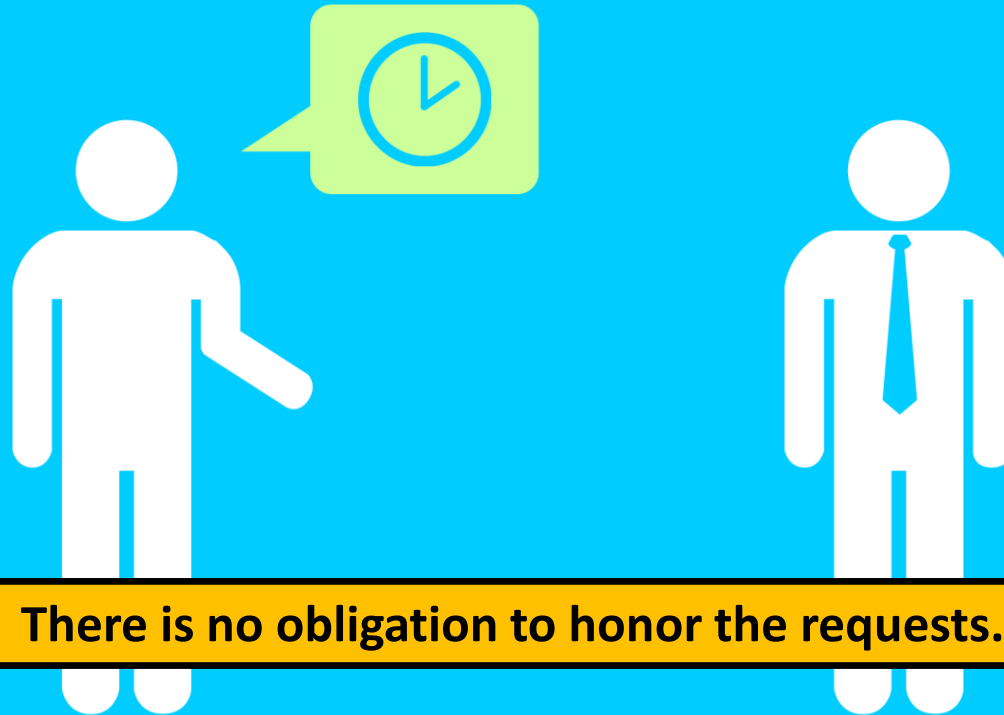


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EMPLOYEE RIGHT TO INPUT

Section 9 – Applies to all employers



There is no obligation to honor the requests.

ANNUAL GOOD FAITH ESTIMATE

Section 4 – Applies to large employers



ADVANCE NOTICE OF SCHEDULE

Section 5 – Applies to large employers



RIGHT TO REST BETWEEN SHIFTS

Section 6 – Applies to large employers



Section 6(1) : Employees can still request or volunteer for these shifts.

PREDICTABILITY PAY: UNDERSCHEDULING

Section 7(1)(a) – Applies to large employers



Section 7(2) : The Act allows for exceptions to this rule.

+1 hour to call in a specific employee when not on schedule

PREDICTABILITY PAY: OVERSCHEDULING

Section 7(1)(b) – Applies to large employers



Section 7(2) : The Act allows for exceptions to this rule.

½ scheduled hours for unscheduled & unexempted cancellation

EXCEPTION: SHIFT SWAPS

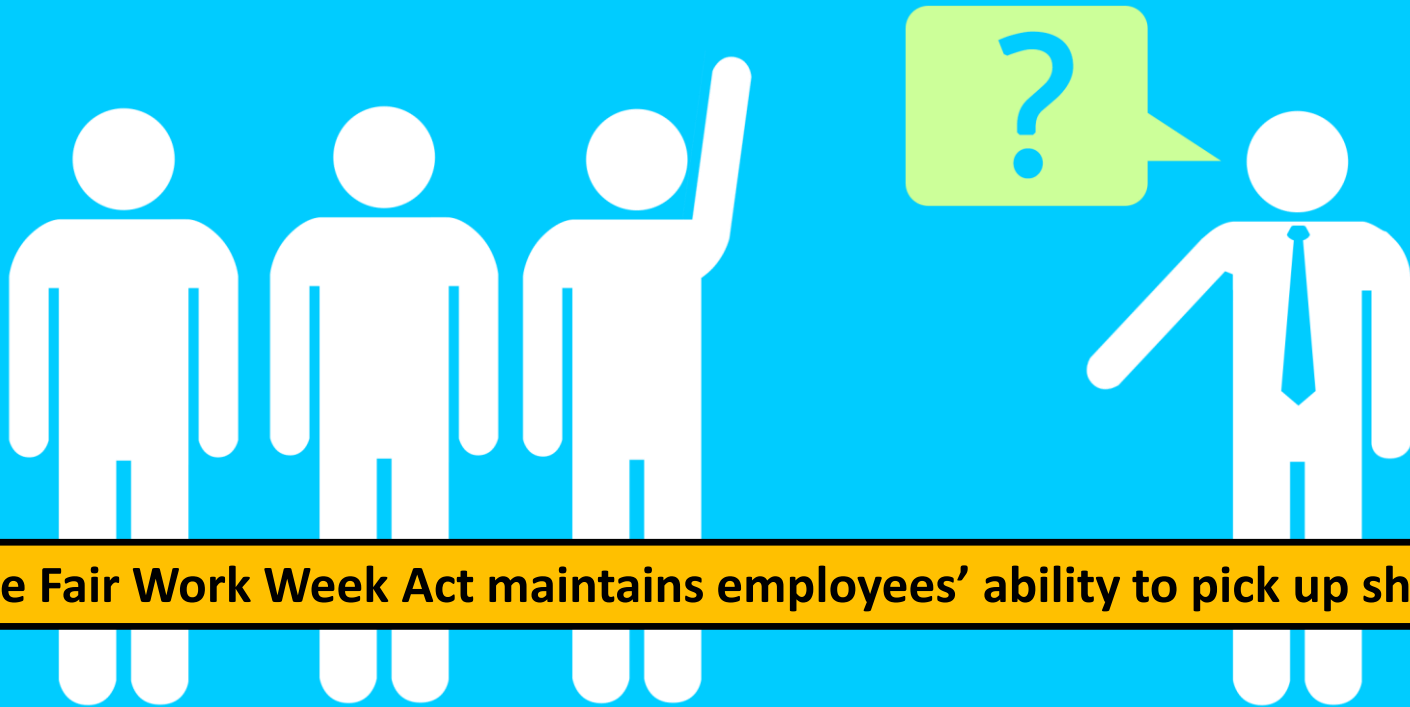
Section 7(2)(a) and Section 14(5)



The Fair Work Week Act maintains employees' ability to swap shifts.

EXCEPTION: VOLUNTARY SHIFT PICKUP

Section 7(2)(b)



The Fair Work Week Act maintains employees' ability to pick up shifts.

EXCEPTION: CONSECUTIVE HOURS

Section 7(2)(c)



EXCEPTION: EMPLOYEE REQUESTS

Section 7(2)(e)



The Act maintains employees' ability to request shifts or time off.

EXCEPTION: DISCIPLINE

Section 7(2)(f)



The Act maintains employers' ability to cut shifts for disciplinary reasons.

EXCEPTION: DANGEROUS SITUATIONS

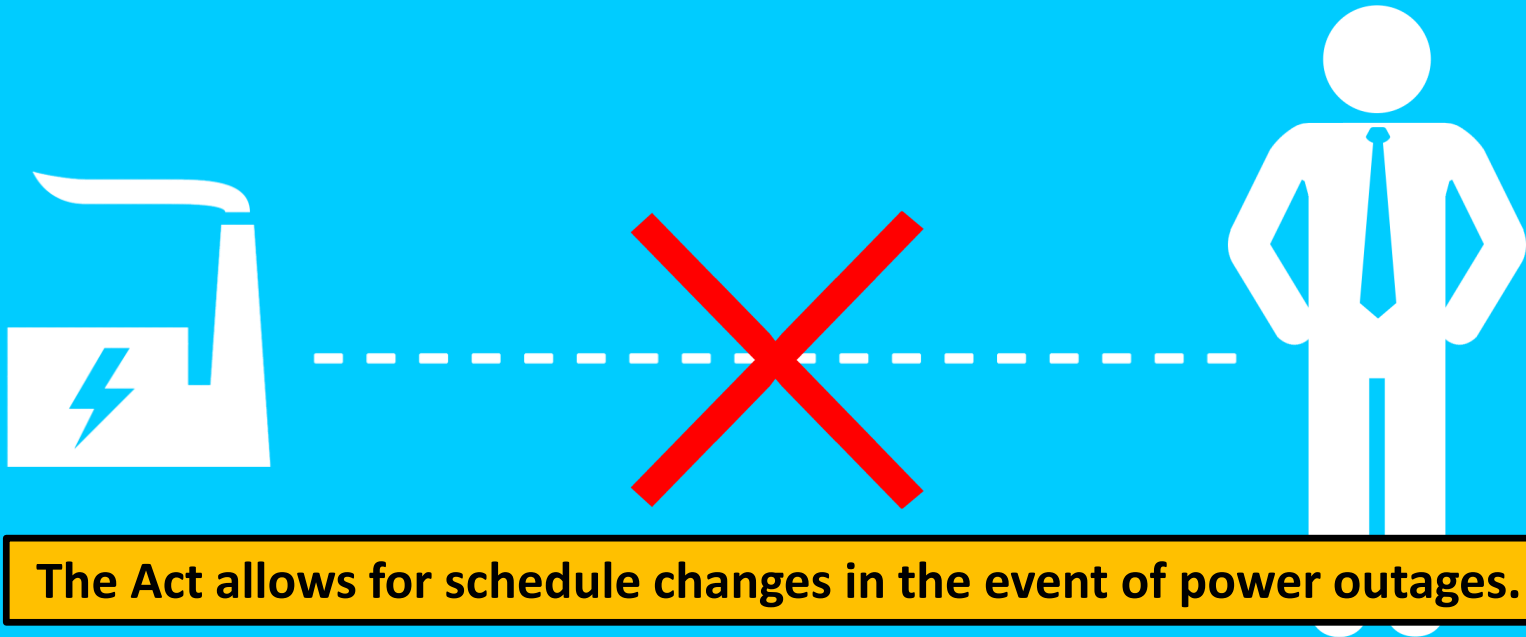
Section 7(2)(g)



The Act allows for schedule changes in threatening situations.

EXCEPTION: NO UTILITIES

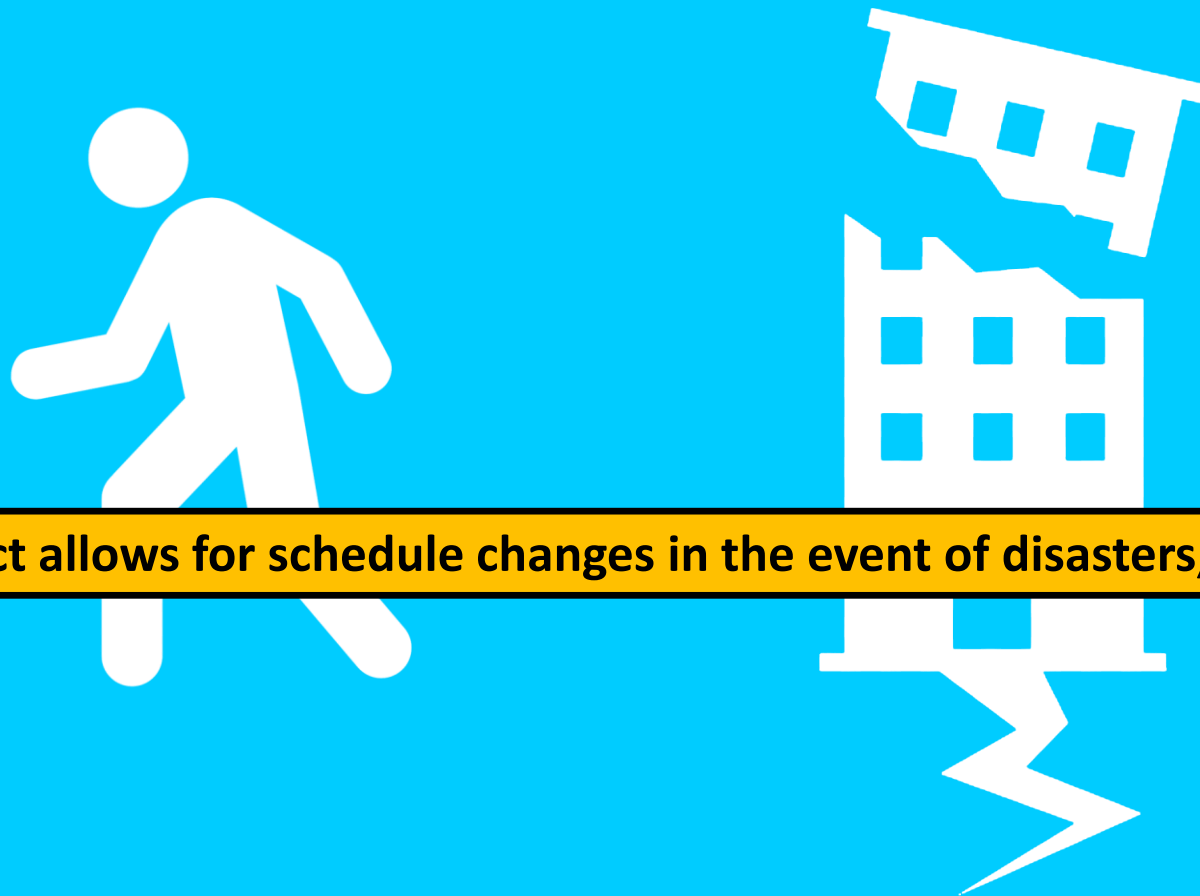
Section 7(2)(h)



The Act allows for schedule changes in the event of power outages.

EXCEPTION: NATURAL DISASTER, ETC

Section 7(2)(i)



The Act allows for schedule changes in the event of disasters, etc.

ACCESS TO HOURS

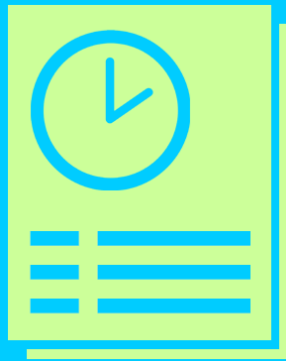
Section 8 – Applies to large employers



Section 8(4) : The Act does NOT require an employer to offer overtime.

EMPLOYER RECORDKEEPING

Section 11 – Applies to large employers



POSTING AND ADMINISTRATION

Sections 10 & 12-16 – Applies to all employers





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