

June 22, 2017

Members of the Oregon Senate:

With SB 828, Oregon becomes the first state to implement a new approach to scheduling regulations for employers and employees. We would like to acknowledge the bi-partisan effort reflected in the final Legislative draft. We feel that it incorporates the input you received from worker and employer advocates and represents necessary changes when compared to the original proposal.

The business community relies on consistency and predictability in its operating environment whenever possible. We appreciate the opportunity that was provided to openly express our concerns and have a number of those issues addressed in the final proposal.

Thank you,

Northwest Auto Trades Association
Northwest Grocery Association
Oregon Association of Nurseries
Oregon Restaurant & Lodging Association
Oregon State Association of Plumbing, heating, cooling
Oregon Vehicles Dealers Association
Professional Land Surveyors of Oregon



The -14 amendments:

“What happens when we stop trying to beat the other person and start working towards solutions.”

- Senator Peter Courtney during Public Hearing/Work Session on SB 828 with the -14 Amendments.

About SB 828-B: Fair Scheduling for Employees & Employers

Effective Date: Operative Date: July 1, 2018 (7-day notice)
Enforcement Operative Date: January 1, 2019
Operative Date 14-day Notice: July 1, 2020

Covered employers: SB 828 only applies to employers of 500+ employees (worldwide) if the employers are in the retail, food service or hospitality business AND the employees perform the type of services relating to retail, hospitality and food service. Chains or franchises are only covered if an individual or entity shares ownership of the chain/franchise AND they have 500+ employees.

Estimate of schedule: Employers required to provide employees, only at the time of hire, with a "good faith estimate" of the median number of hours the employee can expect to work.

Advance notice of work schedule: July of 2018 - July of 2020: 7-days in advance
July 2020 14-days in advance

Penalty for employer requested changes to work schedule: An employer must pay 1-hour of penalty pay for adding 30+ minutes to a shift, changing the start/end time of a shift with no loss of hours, or scheduling an additional shift or on-call shift within the advance notice window. An employer must pay half of the employee's regular rate of pay for each scheduled hour that the employer subtracts hours from a shift, changes the date/start or end time that result in loss of hours, cancels the shift, or when an employee is not called in when scheduled for an on-call shift.

Penalty wages do not apply when: an employer changes a shift by less than 30 minutes, an employee initiates a shift swap, an employee initiates shift changes, for disciplinary reasons, if a shift is canceled due to threat to employees/property, loss of utilities, or natural disaster. An employer may also offer additional hours if the employee is currently working without penalty.

Right to Input: Employees have the right to provide input and request changes to their work schedules at any time, however employers are not obligated to honor those requests.

Right to Rest: Employers must allow a rest period of at least 10-hours between employee shifts.

Voluntary Standby List: Employees may request or consent to join a voluntary standby list. Employers may use the Voluntary Standby List to address unanticipated customer needs or unexpected employee absences without penalty pay.

Enforcement: The bill will be enforced by Bureau of Labor and Industries (BOLI) with a narrow private right of action for retaliation.

Statewide Preemption: SB 828 provides a permanent, statewide preemption of all local government scheduling mandates.