

House Bill 2104

Sponsored by Representative GORSEK (at the request of Oregon AFSCME) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires employer of security personnel in corrections institution to pay employee three times the regular rate of employee's pay if employer requires employee to work in excess of 40 hours in any one week.

A BILL FOR AN ACT

1
2 Relating to mandatory overtime for corrections employees; amending ORS 653.268 and 653.269.

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

4 **SECTION 1.** ORS 653.268 is amended to read:

5 653.268. (1) **Except as provided in subsection (3) of this section**, labor directly employed by
6 any public employer as defined in ORS 243.650 shall be compensated, if budgeted funds for such
7 purpose are available, for overtime worked in excess of 40 hours in any one week, at not less than
8 one and one-half times the regular rate of such employment. If budgeted funds are not available for
9 the payment of overtime, such overtime shall be allowed in compensatory time off at not less than
10 time and a half for employment in excess of 40 hours in any one week.

11 (2) Nothing in this section shall prevent a labor organization under the National Labor Re-
12 lations Act or ORS 243.650 to 243.782 or other employees from negotiating additional overtime pay
13 requirements with a public employer.

14 (3) **If mandatory overtime is assigned, regardless of availability of budgeted funds, secu-**
15 **riety personnel in corrections institutions, as defined by rule of the Commissioner of the Bu-**
16 **reau of Labor and Industries, shall be compensated at not less than three times the regular**
17 **rate of employment for overtime worked in excess of 40 hours in any one week.**

18 **SECTION 2.** ORS 653.269 is amended to read:

19 653.269. The provisions of ORS 653.268 relating to pay for overtime shall not apply to:

20 (1) Labor employed in forest fire fighting.

21 (2) Employees of any irrigation system district actually engaged in the distribution of water for
22 irrigation or domestic use.

23 (3) Employees of a public employer, as defined in ORS 243.650, who are employed in fire pro-
24 tection or law enforcement activities[, *including security personnel in corrections institutions,*] as
25 those employees and activities are defined by rule of the Commissioner of the Bureau of Labor and
26 Industries.

27 (4) Employees of a people's utility district organized under ORS chapter 261.

28 (5) Employees exempted from overtime:

29 (a) By a public employer as defined in ORS 243.650 because of the executive, administrative,
30 supervisory or professional nature of their employment as the nature of such employment is defined
31 by rule of the Commissioner of the Bureau of Labor and Industries; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (b) By a collective bargaining agreement expressly waiving application of ORS 653.268.

2 (6) Employees of a public employer as defined in ORS 243.650 engaged in the operation of a
3 hospital or an establishment that is an institution primarily engaged in the care of persons who are
4 sick or aged or have mental illness or mental retardation and who reside on the premises if, before
5 performance of the work and pursuant to an agreement between the employer and employee or be-
6 tween the employer and the bargaining representative of the employees when the employees are
7 represented under a collective bargaining agreement, a work period of 14 consecutive days is ac-
8 cepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and
9 if, for the employee's employment in excess of eight hours in any workday and in excess of 80 hours
10 in such 14-day period, the employee receives compensation at a rate not less than one and one-half
11 times the rate at which the employee is employed.

12 (7) Members of the organized militia while on state active duty in accordance with ORS 399.075.

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