

HB 2593 A STAFF MEASURE SUMMARY

Carrier: Rep. Power

House Committee On Business and Labor

Action Date: 04/08/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Barker, Barreto, Boles, Bonham, Boshart Davis, Bynum, Clem, Doherty, Evans, Fahey, Holvey

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 1/28, 4/8

WHAT THE MEASURE DOES:

Removes limitations on frequency and duration of rest periods employer must provide employee to express milk. Limits ability to claim undue hardship to employers who have 10 or fewer employees. Extends requirements to all employers by removing exemption for employers with fewer than 25 employees. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Difference between Oregon and federal law regarding expressing milk in the workplace
- Time required to pump milk and sanitize equipment
- Treating infant nutrition as a public health issue
- Frequency of pumping determined by infant's need
- Whether small employers should be subject to requirements

EFFECT OF AMENDMENT:

Restores undue hardship exemption but limits exemption to employers with ten or fewer employees. Removes emergency clause. Takes effect 91st day following adjournment sine die.

BACKGROUND:

Current Oregon law requires employers with 25 or more employees to allow an employee a 30-minute rest period to express milk during each four-hour period and specifies that the rest period be taken approximately in the middle of the work period. The employee is required, if feasible, to time the rest periods to express milk to coincide with rest periods and meal periods otherwise provided. The Fair Labor Standards Act does not place limits on the frequency and duration of rest periods to express milk. The federal provisions are limited to the first 12 months after the child's birth; Oregon law extends the provisions to 18 months. There is no requirement that the rest periods to express milk be paid when they extend beyond the time the employer is required to provide paid rest periods. An employer is not required to comply with the rest period to express milk if doing so would impose an undue hardship on the business.

House Bill 2593-A requires all employers to provide reasonable rest periods for employees to express milk as often and as long as needed for the child's first 18 months. The measure limits the undue hardship provision to employers who have 10 or fewer employees.