



JANUARY NEWSLETTER

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PAY EQUITY LAW ALERT

The Oregon Pay Equity Law extends the prohibition on pay differential based on sex to **all** protected classes. While most provisions of this bill, HB2005, take effect January 1, 2019, the provisions prohibiting employers from asking about a job applicant's salary or wage history are already in effect—as of October 6, 2017. **Be sure to revise or discard any employment applications that ask for prior pay history as part of the applicant's employment history.**

The one-year delay in the effective date of the remaining provisions of the statute is intended to give employers time to undertake pay rate analysis and to identify and correct any wage disparities. When HB2005 is fully effective, it requires equivalent wage levels for comparable work and requires employers to identify a legitimate basis for any pay differences in similar work, such as seniority, merit, location, education, training, and experience.

Even neutral pay policies that create differences which affect one protected class more than another will be suspect under the new law if a pay analysis has not been done.

EARNED INCOME TAX CREDIT NOTICE

Employers are now required to notify their employees, annually, of their possible eligibility for the earned income tax credit. This information will be included on BOLI's minimum wage poster, which all employers must post in a conspicuous workplace location, and must be included with W-2 forms each January.

Notice Language approved by BOLI:

Employees may be eligible for the earned income tax credit (EITC or EIC), a benefit for working people with low to moderate income, partially those with children. EITC reduces the amount of tax owed and may provide a refund.

Visit these websites for additional information about how to qualify:

Federal: <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit>

Oregon: <https://www.oregon.gov/DOR/programs/individuals/Pages/credits.aspx>



OVERTIME LIMITS FOR MANUFACTURING EMPLOYERS

HB3458 took effect August 8, 2017. It establishes a cap on weekly hours that manufacturing employees may be required to work at 55, and provides for an additional 5 hours per week if employees voluntarily request or agree to such overtime. Manufacturers dealing with perishable products can impose up to 80 hours per week so long as they receive a prior hardship notice from the Oregon Bureau of Labor and Industries (BOLI) and the 80 hours per week can be imposed only for a period of 21 weeks. This extension is to accommodate canneries and other industries dealing with perishable produce, primarily during the summer months.

The definition of a manufacturing employer is broad. The existing law has been applied to a bakery, which most people would not regard as a manufacturing employer. It is possible that BOLI's interpretation of "manufacturing" will extend to such employers as breweries and microbreweries, which would give the law a much broader impact.

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PAID SICK LEAVE ADJUSTMENTS

SB299 made technical corrections to the sick leave law passed in 2015. It is now clear that the maximum required bank of accrued sick leave, paid or unpaid, is 80 hours; this consists of the 40 hours an employee may accrue, plus up to 40 hours carried forward into another year. Employers who frontload sick time each year may simply add any unused leave from the previous year to the employee's bank, but are not required to add more than an additional 40 hours.



PREDICTIVE SCHEDULING

SB828 affects retail food service and hospitality employers of more than 500 employees worldwide. They are now required to post work schedules 7 days in advance. While this bill will not affect most employers, it will affect local workplaces affiliated with national companies. Franchises of large employers are not covered unless they have 500 employees of their own.