

SENATE BILL 984/HOUSE BILL 3458 *Overtime Pay*

This bill has been effectively superseded by HB 3458, which was passed out of the House Rules committee in late June. It corrects an erroneous application of the daily versus weekly overtime rules for employees who are eligible for both in the same week. BOLI's interpretation required employers to pay double overtime to employees in this category.

As currently written, the bill would require employers to calculate and pay the daily and weekly overtime when the employee is eligible for both in the same week, then pay the higher amount (but not both amounts) to the employee. It also caps the maximum weekly hours at 55 for manufacturing and food processing employers, but allows for employee consent to bump it up to 60 hours per week. This version is likely to pass both House and Senate.

Now for some ideas, most of which are not going to become law:

SENATE BILL 292

Workplace Bullying

This bill would create a new cause of action for employees who could assert that their employer violated the Oregon Safe Employment Act by creating or maintaining an abusive work environment. This Measure has apparently died in Committee after a public hearing was held on it in mid-March. .

HOUSE BILL 2856

BOLI's Outreach Program

This bill would allocate an estimated \$2 million per biennium to the Oregon Bureau of Labor & Industries to create a "community Outreach and Labor Education Program," including "door-to-door outreach," "community-based education events," "training materials," "technical assistance," and "counseling" for workers identified as coming from traditionally underserved groups. According to the bill, such groups include (a) Low-wage workers; (b) Women; (c) Immigrant and refugee workers; (d) Lesbian, gay, bisexual, non-binary or transgender individuals; (e) Workers under 20 years of age; (f) Disabled workers; and (g) Workers of color.

SENATE BILL 977

Abolishing Non-Competition Agreements

This bill would void all future Oregon non-competition agreements. Current law restricts the duration of such agreements to 18 months and applies only to salaried employees who earn more annually than the median, four-person family wage as calculated by the U.S. Census Bureau (currently, approximately \$80,000). SB 977 would allow employers to restrict former employees from contacting former customers or clients to provide similar products or services, but the limitation on such contact extends for only six months following separation from employment.

SENATE BILL 301

Protection for Medical Marijuana Users

This bill was introduced at the request of a legislative committee on marijuana legalization. It would make it an unlawful employment practice for an employer to refuse to employ or to discharge or otherwise penalize an individual because the individual had a medical marijuana card. After employer groups pointed out that the proposed law would effectively prevent employers from enforcing zero tolerance drug policies, the bill has apparently died in the Business and Transportation Committee.