



BUREAU OF LABOR AND INDUSTRIES
WAGE AND HOUR DIVISION

**NOTICE OF UNDUE HARDSHIP PERIOD FOR
SPECIFIED ESTABLISHMENTS**

Pursuant to Oregon Revised Statute (ORS) 652.020 and ORS 653.265, an employer may not require or permit an employee employed in a mill, factory or manufacturing establishment or a cannery, drier or packing plant to work more than 55 hours in any one workweek. However, an employer may require or permit an employee to work up to 60 hours in one workweek if the employee requests or consents in writing to work up to 60 hours in the workweek. A request/consent form available from the Bureau of Labor and Industries (WH-261) may, but is not required, to be used for this purpose.

In addition, an employer is eligible for an undue hardship period exemption from the restrictions on the maximum workweek hours established by ORS 652.020 and ORS 653.265 if the employer, in the ordinary course of the employer's business, processes perishable products. As used in ORS 652.020 and ORS 653.265, a perishable product is any product that may spoil, deteriorate or undergo other material changes that render it unsuitable for the use for which it was produced. Perishable products include agricultural crops, meat and fish. An employer may be eligible for more than one undue hardship period exemption in a calendar year. However, the combined total duration of the employer's undue hardship period exemptions may not exceed 21 workweeks in a calendar year.

When an undue hardship exists, an employee may consent in writing to work up to 84 hours per workweek for four workweeks and up to 80 hours per workweek for any remaining workweeks in the undue hardship period.* (See form WH-263 to be used for this purpose.)

To claim an undue hardship exemption, an employer must provide notice of the undue hardship period to the Bureau of Labor and Industries (BOLI) within seven calendar days of permitting employees to work more than 55 hours in one workweek (or more than 60 hours if the employee has previously consented to work up to 60 hours in one workweek).

This notice informs the Bureau of Labor and Industries that the employer identified below claims an exemption to the restrictions on maximum workweek hours on the basis that an undue hardship exists.

Name of employer: _____

Employer's address: _____

Perishable product(s) to be processed: _____

Reasons for undue hardship period: _____

Expected dates of undue hardship period: _____ through _____

Estimated number of employees who will work up to 80 or 84 hours per workweek: _____

The start and end dates of any previous undue hardship periods claimed by this employer during the same calendar year:
_____ through _____

Please submit this notice to: Bureau of Labor and Industries (BOLI)
Wage and Hour Division
1800 SW 1st Avenue, Suite 500
Portland, Oregon 97201
or whd.email@boli.oregon.gov

Printed Name of Employer Representative

Signature of Employer Representative

Date

*The undue hardship period does not apply to minor employees under the age of 18. To obtain additional information about the hours of employment for minors, visit www.oregon.gov/boli/whd/clu.