



# Oregon Bureau of Labor and Industries

## Wage and Hour Division

## Memo

**DATE:** May 15, 2008

**TO:** Legislators and Interested Persons

**FROM:** Christine Hammond, Administrator  
Wage and Hour Division

**REGARDING:** Proposed Rule Amendments Pertaining to the Provision of Rest Breaks and Meal Periods to Employees

On May 8, 2008, the Bureau of Labor and Industries filed the attached Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State for publication in the June 1, 2008 *Oregon Bulletin*.

The proposed rule amendments clarify the agency's rules pertaining to the provision of rest and meal periods to employees, making clear that employees must be relieved of all duties for meal periods except in those cases where the employer can show that *exceptional and unanticipated* circumstances prevent the employee from being relieved from all duty. The proposed rule amendments also clarify that factors to be considered in determining an employee is prevented from receiving regularly scheduled meal and rest periods must pertain to the *ordinary nature* of work performed.

Additionally, the proposed rule amendments repeal an outdated and unused provision in the rule permitting abbreviated meal periods "(w)here the employer can show that industry practice or custom has established a meal period of less than 30 minutes (but no less than 20 minutes)...." The agency is unaware of any time this provision in the rule has applied or been used.

The text of the proposed rule amendment may be accessed on the bureau's webpage at [www.oregon.gov/boli](http://www.oregon.gov/boli). You may also request a copy of the proposed rule by calling (971) 673-0837.

The last day for public comment will be June 23, 2008.

If you have any questions regarding the proposed rule amendment, please feel free to contact me at the number above or by email at [christie.n.hammond@state.or.us](mailto:christie.n.hammond@state.or.us).

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