

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

| | | |
|--|---|----------------|
| Bureau of Labor and Industries, Wage and Hour Division | 839-020 | |
| Agency and Division | Administrative Rules Chapter Number | |
| Marcia Ohlemiller | 800 NE Oregon, Suite 1045, Portland, OR 97232 | (971) 673-0784 |
| Rules Coordinator | Address | Telephone |

RULE CAPTION

Clarifies requirements relating to the provision of meal periods to employees

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing
ADOPT:

AMEND: OAR 839-020-0050

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 651.060(4); 653.261

Other Auth.:

Stats. Implemented: ORS 653.261

RULE SUMMARY

This proposed rule amendment clarifies the agency's rules pertaining to the provision of rest and meal periods to employees. The proposed rule amendment makes 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 amendment also clarifies 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.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

June 23, 2008

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)



Brad Avakian

May 5, 2008

Signature

Printed name

Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005