



## Commissioner Brad Avakian

Bureau of Labor and Industries

### Press Release

For Immediate Distribution

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### **BOLI Implements Temporary Rule on Meal and Rest Periods**

*Temporary rule restores previous provisions relating to waived meal periods*

PORTLAND- The Bureau of Labor and Industries (BOLI) has implemented a temporary administrative rule (OAR 839-020-0050) on meal and rest period provisions, effective Sept. 23, 2008. The temporary rule restores provisions of a previous rule pertaining to meal period provisions waived due to the "nature and circumstances" of the work. Implementation of the temporary rule restores the previous language and allows for a rules advisory committee to be convened to review meal and rest period rules and to make recommendations regarding appropriate amendments to the Commissioner.

"I encourage the rules advisory committee to work on creative solutions that protect workers' rights to a meal period and accommodate the needs of businesses," said Commissioner Avakian. "Restoration of the original rule allows the rules advisory committee to start this process from scratch and propose a solution that takes into account concerns from both business and labor."

Oregon law provides employees the right to a meal period. Employees are to be relieved of all duties for a 30-minute meal period for every shift of more than 6 hours. The previous language in OAR 839-020-0050 allowed employers to waive this meal period when the "*nature and circumstances of the work prevent the employee from being relieved of all duty.*" BOLI has historically interpreted the rule to mean that employers may only waive meal periods in exceptional and unanticipated circumstances. In July 2008, BOLI amended OAR 839-020-0050 to better reflect its interpretation of the law and clarify that meal periods could only be waived in "*exceptional and unanticipated circumstances.*"

The rules advisory committee will be comprised of equal labor and business representation from diverse industries and will be tasked with making a consensus recommendation to the Commissioner. The Bureau will facilitate the work of the rules advisory committee in reaching a consensus proposal that satisfies both business and labor.

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