

## Ring in the New Year by Wringing Out the Old Rumors

Happy New Year! We thought we'd start things off right by debunking some of those "urban legends" that are still stubbornly hanging around. See how you do on this True-False Quiz:

1. *If employers are writing the paycheck in 2008, they must pay the 2008 minimum wage (\$7.95 an hour), even if the work was performed in 2007.*

False. The minimum wage did go up to \$7.95 in January of this year, but the change only applies to hours actually *worked* in 2008. Thus, if an employer is paying a minimum-wage employee for hours worked in 2007, it is fine to apply the 2007 minimum wage. Of course, since employers cannot have paydays that are more than 35 days apart, this is an issue that should go away (at least for another year) after the end of January.

2. *The 2007 Oregon legislature just enacted a new law that allows employees to "waive" the requirement to provide them with meal periods.*

False – in most cases. There is a new law that allows employees in the food and beverage service industry to waive their lunch periods. But for everyone else, the regular rules on breaks and meal periods continue to apply.

3. *Employees have a right to demand a copy of their personnel records, and employers must immediately provide it to them.*

True for the first part, "exaggerated" for the second. Oregon has long had a law requiring employers to provide copies of personnel records to their employees if they so request. Until now, there was never a specific time limit in which this had to be done. But as of January 1, 2008, the law states that an employer has 45 days to provide these records.

4. *If an employer does not pay the final paycheck on time, the employer must automatically continue paying the employee's wages as a "penalty" until the paycheck arrives.*

False. As with most other penalties provided under the law, an employee must file a lawsuit in order to recover any penalty wages he or she believes is owed. It will then be up to a judge to decide how much – if any – penalty wages are due.

5. *BOLI's Technical Assistance Unit is responsible for administering workers' compensation claims, adjudicating unemployment hearings, levying state and federal taxes, and issuing Social Security cards. We also can give information about first aid kits, software, irrigation tools and other technical matters.*

False. We have received questions about all of these issues and more. And although we are not in a position to answer them, we are happy to give you the numbers of agencies that might be able to do so. Indeed, that is part of our job.

*6. BOLI's Technical Assistance Unit is available to answer employer questions about wage/hour laws, civil rights laws, and general employment practices. We do this by telephone, e-mail, through our publications and in our seminars. We also guarantee confidentiality.*

True.

---

For more information on this and other important information affecting Oregon employers, please visit our website at [www.oregon.gov/boli/ta](http://www.oregon.gov/boli/ta). You can also call us at 971-673-0824.

Have a great 2008!