

NOSTRADAMUS MAY NOT BE ABLE TO PREDICT THE FUTURE, BUT BOLI CAN

Unsure of what the future holds? Confused about which path to take? Need to consult the stars? A seer? Astrological charts?

Question: What does 2008 hold in store for Oregon employers?

Answer: While we do not predict any earth shattering world events, we do predict changes in 2008 that might very well shake your world!

The 2007 legislature passed numerous BOLI related bills this session, most of which are effective January 1, 2008. Many of these bills affect employer obligations under Wage and Hour or Civil Rights Law.

Let us chart your future for you

BILL #	Effective Date	SUMMARY
HB 2254	1/1/08 Wage & Hour	Requires personnel records to be presented for inspection or provided to the employee (certified copy) within 45 days of request; provides civil penalties for violations
HB 2255	1/1/08 Civil Rights	Makes wage/hour-related discrimination/retaliation an unlawful employment practice under ORS 659A.
HB 2256A	1/1/08 Wage & Hour	Allows payment of wages, upon agreement of employer and employee, through direct deposit, automated teller machine card, payroll card or other means of electronic transfer. Provides civil penalties for violations.
HB 2258A	1/1/08 Wage & Hour	Requires wage underpayments of 5% or more of employee's wages to be corrected within three days.
HB 2259	06/04/07 Civil Rights	Extends the time frame for filing OSHA retaliation complaints from 30 to 90 days.
HB 2260	01/01/08 Civil Rights	Clarifies state law concerning employment discrimination allowing for actual compensatory damages. Punitive and compensatory damages may now be recoverable for discrimination.
HB 2372	01/01/08 Wage & Hour	Allows use of a 30 minute rest period for expression of breast milk in the workplace for every 4 hours worked.
SB 248C	1/1/08	Makes arbitration and noncompetition agreements unenforceable under certain circumstances.

BILL #	Effective Date	SUMMARY
SB 403	1/1/08 Wage & Hour	Requires BOLI to adopt rules regarding meal periods for tipped food/beverage service employees; provides civil penalties for violations. Allows for tipped food/beverage service employee to waive a meal period as long as it is without coercion by employer.
SB 2	1/1/08 Civil Rights	Prohibits discrimination, in specified areas of law (employment, housing, public accommodations, public education, adult foster homes and foster parenting) against persons based on sexual orientation. Defines "sexual orientation." Authorizes enforcement of prohibition through civil action for actual and punitive damages. Requires state agencies to eliminate discrimination against persons based on sexual orientation.
SB 946	5/25/07 Civil Rights	Requires certain employers to allow eligible employees to take unpaid leave to obtain services or treatment relating to domestic violence, sexual assault or stalking. Allows employer to limit amount of leave if leave creates undue hardship to employer's business. Creates cause of action for refusal to grant leave.
HB 2485	1/1/08 Civil Rights	Expands purposes for which employee taking family leave may use paid sick leave. Allows use of any paid accrued sick leave for any period of Oregon family leave
HB 2635	01/01/08 Civil Rights	Allows eligible employee to take family leave from work to care for grandparent or grandchild. Includes grandparent or grandchild as "family members" for purposes of Oregon family leave. Provides that covered employer commits unlawful practice if employer denies family leave to which eligible employee is entitled or retaliates or discriminates against individual because of inquiry about or lawful exercise of family leave provisions.
HB 2460	08/01/2008 Civil Rights	Redefines "family leave" to exclude leave taken by employee who is unable to work because of disabling compensable injury under Workers Compensation Law.

BILL #	Effective Date	SUMMARY
HB 2674	01/01/08 Wage & Hour	Requires employer to pay over, in accordance with law or agreement requiring or authorizing deductions from wages, amounts deducted from employee's wages. Makes failure to pay as required unlawful deduction. Allows Commissioner of Bureau of Labor and Industries to assess civil penalty for unlawful deduction.

*Non-agency bills

Question: While implementing the New Year changes to the law, must I become clairvoyant or will I be left to the capriciousness of the fates?

Answer: Let's gaze into our crystal ball and take a look.....

In an attempt to enlighten us all, BOLI is even now engaging in promulgating rules which will help take the mysticism out of your future.

For more information please call our TA Psychic hotline, aka Technical Assistance for Employers, 971 673-0824, or enjoy a "reading" from future FAQ updates on our website at www.oregon.gov/boli.