

OUR LAST COLUMN ON THE MAJOR 2007 LEGISLATIVE CHANGES

We hope that this and our previous columns will be helpful to employers as we head into the New Year. As always, you are welcome to supplement your reading by coming to our seminars, checking our website and calling us at the number listed below. Although we are not a substitute for your attorney, we are available to provide general information about the laws and about workplace issues in general.

Voluntary Waiver of Meal Breaks by Food Servers

Most Oregon employers must require their non-exempt employees to take a 30-minute meal break if they work 6 hours or more in a day. This break can be unpaid, as long as the employee receives at least 30 minutes of uninterrupted time.

As of 2008, however, food servers who receive tips will be able to voluntarily waive the meal break. A word of caution: employers must make sure that this waiver is completely voluntary, as they could otherwise be subject to a \$2000 penalty.

Some Flexibility on Some Underpayments

Even the best employer may occasionally underpay an employee by accident. Until now, the law has not provided a time frame for the employer to correct this mistake. However, starting in 2008, an employer will have three working days to pay an employee who has been underpaid at least 5% of the gross wages. If the underpayment is less than 5% of the gross wages, the employer may include that amount in the next regular paycheck.

Rules for Arbitration Agreements

As of 2008, employers using arbitration agreements must provide notice of this fact in a written employment offer. That offer must be received by the employee at least two weeks before the employee's first day of work. Arbitration agreements may also be entered into upon a *bona fide* advancement of the employee by the employer.

For more information on this and other important issues affecting Oregon employers, visit our website at www.oregon.gov/BOLI. You may also call us at 971-673-0824.