



Readers,

At the Bureau of Labor and Industries (BOLI), we are committed to helping our state's businesses and employers succeed and thrive. Since employment laws change frequently, we want to ensure employers stay up-to-date on new laws passed by the legislature. With that in mind, this handbook was produced by the Bureau's Technical Assistance for Employers (TA) Program to help employers and businesses better understand Oregon employment law, navigate difficult issues, and stay in compliance.

The services provided by the TA Program are not funded with any taxpayer dollars, and are solely supported through the sales of publications like this and attendance at public seminars on various employment law topics. Through your support, our TA program can continue to answer more than 20,000 employer questions via phone and e-mail, conduct more than 150 public seminars, and produce educational materials like this each year.

I hope you find this handbook to be a helpful tool for understanding and complying with wage and hour law. To learn more about the services offered by our TA Program, please visit <http://www.oregon.gov/boli/ta>.

Please do not hesitate to contact our offices if you have further questions or concerns.

Sincerely,

Brad Avakian
State Labor Commissioner

Wage Claims and Enforcement	10
■ Who may file	10
■ Statute of limitations.....	11
■ Filing a claim	11
■ Responding to a claim.....	11
■ Wage claim investigation	11
■ Invalid claims	11
■ Collection of wages	11
■ Administrative hearings and lawsuits.....	12
■ Private right of action	12
■ Right of union members to file wage claims	12
■ Retaliation prohibited	13
■ Employer-employee communications	13
Minimum Wage and Overtime Laws	13
■ Scope of Federal and Oregon law (dual coverage)	13
■ Minimum wage and overtime requirements	13
■ Federal law (FLSA)	13
■ Federal coverage.....	13
■ Federal enforcement.....	14
■ Oregon law	14
■ Oregon coverage	14
■ Posters.....	15
Employment Relationship Required	15
■ Independent contractors	15
■ Independent contractor definition used by other agencies	15
■ Volunteers	16

Overtime	16
■ In general	16
■ Hospitals, residential care: “8 and 80 rule”	16
■ Employers may require employees to work overtime	17
Deductions from Minimum Wage	17
■ In general	17
■ Deductions for meals, lodging and other services	17
■ Tools, equipment or uniforms	18
■ Tip credit prohibited.....	18
Exemptions from Minimum Wage and Overtime	18
■ Outside salespersons	18
■ Babysitters/child care workers.....	18
■ Companions to the elderly.....	18
■ Agriculture	19
■ Managers, assistant managers and maintenance workers employed by and residing in multi-unit accommodations	19
■ Seasonal employees of educational or organized camps	19
■ Employees of non-profit conference grounds or centers that are operated for religious, charitable or educational purposes	19
■ Volunteer campground hosts.....	19
■ Nonprofessional ski patrollers.....	19
■ Golf caddies	19
■ Soccer referees.....	20
■ Resident managers of adult foster homes.....	20
■ Mobile home park employees	20
■ Inmate labor.....	20
“White Collar” Exemptions	20
■ Salary basis test for "White Collar" employees	20
■ Permissible salary reductions.....	21

■ Acceptable payroll practices that do not violate salary basis.....	22
■ Payment on a fee basis	22
■ Executive employee exemption	22
■ Administrative employee exemption.....	22
■ Professional employee exemption.....	23
■ Definitions of “primary duty” and “customarily and regularly”.....	23
■ Computer professionals.....	23
■ Separate exemption for skilled computer technicians	24
■ Computer professional rate of pay	24
Certification to Pay Less than Minimum Wage.....	24
■ Student learners	24
■ Persons with disabilities	25
Exemptions from Overtime	25
Calculating Overtime.....	26
■ Regular rate.....	26
■ Computing regular rate of pay	26
■ Regular rate for salaried employees.....	27
■ Regular rate for salaries — fluctuating workweeks.....	27
■ Piece rates and day rates.....	28
■ Calculating overtime when employee earns different rates	28
■ Premium pay for holiday/weekend work.....	28
■ Overtime based on actual hours worked	28
■ Mandatory overtime	28
■ Unauthorized overtime	29
■ Compensatory time is not allowed in private sector.....	29
Benefits.....	29

Work Time	29
■ Hours worked	29
■ Employer responsibility.....	29
■ Preparatory and concluding activities.....	30
■ Meal time.....	30
■ Travel time	30
■ Training time and meeting time	30
■ Employees who live on the premises.....	30
Recordkeeping Requirements	31
■ Minimum recordkeeping requirements.....	31
Working Conditions	32
■ All employers must comply.....	32
■ Rest periods	32
■ Rest period exception.....	32
■ Meal periods	32
■ Meal periods exceptions.....	32
■ Undue hardship determination factors.....	33
■ Work period defined	33
■ Exception to meal periods for tipped food/beverage servers	34
■ Rest periods for expression of milk	35
■ Rule modifications by collective bargaining agreement permitted	35
■ Other working conditions provisions	35
■ Adequate work/“show-up” pay	35
Agricultural Employment	36
■ Definition.....	36
■ Agricultural workers exempt from overtime.....	36
■ Agriculture minimum wage exemptions	36
• Immediate family members.....	36