

MINUTES OF MEETING

Wage and Hour Commission

Thursday, October 18, 2007, 2:00 PM
Portland State Office Building
800 NE Oregon Street
Portland, Oregon 97232

1. CALL TO ORDER

Commission Chair Jeff McDonald called the meeting to order via telephone conference call at 2:10 PM.

2. ROLL CALL

Members Present:

Jeff McDonald, Chair (via telephone)
John Fyre (via telephone)
Kathy Nishimoto

Staff Present:

Christie Hammond, Administrator, Wage and Hour Division (WHD)
Kim Penwell, Operations Support Manager, WHD
Karen Gernhart, Administrative Specialist, Child Labor Unit, WHD

3. FOR THE GOOD OF THE ORDER:

a. Consent Agenda

The minutes of the previous meeting of July 19, 2007 were unanimously approved as presented.

Staff summarized the temporary actions taken by staff since the commission's last meeting, which were unanimously approved.

b. Correspondence

Staff reported that letters were sent to twelve employers who were issued special overtime permits to employ minors in agriculture this last harvest season that failed to file a report as required by September 30 relating to their use of the permit.

Action: Commission member Kathy Nishimoto expressed concern regarding inconsistency on the part of agricultural employers in sending in the required reports and stated her belief that some of the employers didn't appear to be taking this issue very seriously.

Ms. Nishimoto proposed that the commission adopt a “three strikes” policy whereby employers who fail to timely return their required reports three times would be denied a special overtime permit the following year. Staff was requested to compose a communication to two-time report violators advising them of this policy to be used in the future.

4. REPORTS

a. Child Labor Unit Statistics

Staff reported that the Child Labor Unit issued a total of 1,477 annual Employment Certificates (“EC’s”) during the first three months of fiscal year 2007-2008; 94% of the total number of EC’s issued during the same period the previous fiscal year (1,577).

b. Workers’ Compensation Injury Report

Staff reported that the June and July, 2007 Workers’ Compensation Division injury reports of “Claimants Under 18 Years of Age” had been reviewed since the last meeting and no significant matters of concern were identified.

c. Significant Cases

None.

d. 2007 Summary Report on Special Overtime Permits for Minors Employed in Agriculture

Staff summarized and presented the reports submitted by 35 employers that were issued overtime permits for minors employed in agriculture. Staff noted that there appeared to be no violations of the terms of the permits issued and no injuries had been reported.

e. Proposed BOLI Rules Pertaining to Meal Period Waivers

Christie Hammond summarized the provisions of Senate Bill (SB) 403, passed by the 2007 Legislature, which requires BOLI to adopt administrative rules allowing tipped food and beverage service employees to waive meal periods under certain circumstances. Ms. Hammond advised the commission that BOLI has proposed draft administrative rules in this regard and said that although the rules do not apply to minors under the age of 18, OAR 839-021-0072(4) provides the Wage and Hour Commission with the authority to exempt employers from providing rest and meal periods “for good cause shown.” Ms. Hammond indicated that this could become an issue in the future with regard to minors employed as tipped food service workers.

5. OLD BUSINESS

None.

6. NEW BUSINESS

None.

7. OTHER

a. Proposed Increase in Federal Child Labor Civil Penalties

Staff summarized and presented a congressional research service summary relating to proposed increases in the federal child labor penalties.

8. NEXT MEETING – January 17, 2008

9. ADJOURNMENT

The meeting adjourned at 2:30 P.M.