



OREGON STATE AND FEDERAL WAGE AND HOUR LAWS APPLICABLE TO GROCERY EMPLOYEES



State and Federal labor laws pose some different requirements for employers. Where state and federal laws address the same issue, the stricter standard applies. The following is a summary of some of the provisions of state and federal regulations pertaining to employment in grocery establishments. For questions regarding how child labor laws apply to your business, contact BOLI Employer Assistance at (971) 361-8400 or employer.assistance@boli.oregon.gov. For questions about child labor permits and certificates, contact BOLI Child Labor at (971) 353-2289 or child.labor@boli.oregon.gov. For information regarding federal regulations, contact the U.S. Department of Labor, Wage and Hour Division at (503)326-3057.

MINIMUM WAGE/OVERTIME REQUIREMENTS

The minimum wage and time and one-half overtime for hours over forty in a work week is required to be paid to all employees except those employed in a bona fide executive, administrative or professional capacity or as an outside salesperson. An employee will qualify for exemption if all pertinent tests related to duties, responsibilities and salary are met.

The employer must pay for any time an employee performs work. This includes time an employee spends preparing equipment to work or cleaning up after work. In addition, training or meeting time must be counted as hours worked whenever an employer requires them. It is the employer's responsibility to maintain accurate records which include time keeping and payroll information.

CHILD LABOR PROVISIONS/RESTRICTIONS

Employers who hire minors must verify the age of each minor hired from an appropriate proof of age document such as a driver's license, passport or birth certificate and must obtain an employment certificate from BOLI prior to employing minors. Applications for annual employment certificates are available at all BOLI offices.

The employer must maintain a record of the birth date for employees under 19 years of age.

Employees must be 14 to work in a grocery establishment unless it is owned exclusively by the minor's parents or grosses less than \$500,000 annually. There are no restrictions for employees 18 or over. The restrictions fall into two categories: those covering minors who are under 16 and those covering minors who are 16-17 years of age.

Youths under 16 may work outside of school hours in various non-hazardous jobs only under the following conditions: no more than three hours on a school day, 18 hours in a school week, eight hours on a non-school day, or 40 hours in a non-school week. Work may not begin before 7:00 a.m. or end after 7:00 p.m., except from June 1 through Labor Day, when the evening hours are extended to 9:00 p.m.

Permitted occupations for employees under age 16 include those such as cashier, office/clerical work, stocking, bagging orders, carry out, and cleanup work. Work in walk-in coolers and freezers must be of very brief duration. Cooking and baking cannot generally be performed by minors under the age of 16.

Youths 16 and 17 years old may perform any non-hazardous job for up to 44 hours per week without an emergency overtime permit issued by BOLI. Examples of equipment declared hazardous in groceries include power-driven meat processing machines (meat slicers, grinders, saws, patty forming chopping machines, etc.) and

certain power-driven bakery machines, including dough mixers and continuous slicer/wrapper machines. Employees under 18 are not permitted to operate, feed, set-up or assemble, adjust, repair or clean such machines. Minors under 18 generally are not allowed to operate a motor vehicle for pick up or delivery duties. Forklifts are prohibited, as well as operating box crushers (including even putting paper into crushers that do not meet specific standards).

WORKING CONDITIONS

Meal periods of 30 minutes must be provided to adults (over age 18) if the workday is six hours or longer. The employee must be relieved of all duty during this time. If the employee can't be relieved due to the nature or circumstances of the work, then the meal period must be paid. For minors under age 18, meal periods of at least 30 minutes must be provided during any work period of six or more hours. Minors under 16 must be fully relieved of work duties during this time. Sixteen and 17 year-old employees may work during a meal period, but must be paid for their time.

Paid rest periods of at least 10 minutes must be provided to adult employees during each four-hour work period or major part thereof. The rest period is to be taken approximately in the middle of each work segment. There are narrow exemptions to the rest period requirements for adult employees working alone in retail/service businesses.

Paid rest periods of at least 15 minutes must be provided to minor employees during each four hour period (or major portion) of work time.

Rest periods may not be added to the meal period or deducted from the beginning or end of the work period in order to reduce the length of the work period.

Adequate work must be provided to minor employees if the employer requires the minor to report to work. Adequate work means enough work (or compensation in lieu of work) to earn at least one-half of the scheduled day's earnings.

TYPICAL PROBLEMS

The most serious child labor violations commonly found in groceries are in regard to minors under 18 operating, feeding, assembling/disassembling or cleaning processing machines such as meat slicers and dough mixers, operating forklifts, or using box crushers beyond legal limits.

The most common child labor violation is 14 and 15 year old minors working outside of the hours and time restrictions.

Employees working at more than one establishment operated by the employer are due the overtime on the aggregate of the hours.

Training time, meeting time, preparation time, opening and closing time and set-up time are all hours of work and need to be recorded and paid.

This information sheet is meant to provide a summary reference guide to some of the labor laws pertaining to grocery establishments. It is not a complete statement of the laws, but a simplified interpretation.