

Legal Update Article

Oregon Temporarily Lifts Weekly Work Hour Limits for Certain Manufacturers for COVID-19 Crisis

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Oregon employers received a temporary easing of the weekly work hour limits on manufacturing employees to address the emergency created by the coronavirus (COVID-19) pandemic.

Effective March 27, 2020, a temporary Oregon rule allows manufacturers whose products “reasonably result in the preservation of life and property” to claim a temporary exemption to the standard 55-hour limit. Under the emergency rule, employers may schedule employees to work up to 91 hours per week, with employee consent. The rule will be effective through September 22, 2020.

Under the exemption, an employer must notify the Oregon Bureau of Labor and Industries (BOLI) within seven days of permitting employees to work more than 55 hours in a week. The requisite notice must include a description of the reasons for the emergency exemption, the expected start and end dates of the exemption period, and a copy of the employer’s social distancing policy, among other information.

Employers who claim the temporary exemption still must comply with the 13-hour daily overtime limit. Further, employers must continue to pay covered employees regular overtime rates for time worked over 40 hours per week.

Employers also must continue to provide employees with regular meal and rest breaks.

Employers must obtain voluntary, written consent from employees in a format approved by BOLI. In general, employees that consent to work more than 55 hours in a week must be advised of the following:

- The employer’s reasons for claiming the emergency exemption;
- The start and expected end dates of the emergency exemption period;
- A statement that the employer may request the employee to work in excess of 55 hours per week, but no more than 13 hours per day and 91 hours per week;
- A statement that the employer will continue to pay overtime at one-and-one-half times the regular rate of pay;
- A statement that the employee consents to work in excess of 55 hours per week;
- A copy of the employer’s social distancing protocols; and
- The contact information for the Bureau of Labor and Industries, Wage and Hour Division.

Employees who consent to working hours in excess of 55 hours may nevertheless revoke their consent at any time. The rule prohibits employers from coercing employees into consenting to work more than 55 hours per week.

Violations of the new rule will subject employers to a civil penalty of \$1,000 per violation.

Please contact a Jackson Lewis attorney with any questions.

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