

DRILLING, SAWING AND CUTTING YOUR WAY THROUGH OREGON'S MANUFACTURING LAWS

I am the human resources director for a sawmill. My understanding is that since this is a manufacturing facility, I have to pay overtime for any hours over 10 that employees work in a 24-hour period, and that I can't require them to work more than 13 hours in that time frame.

However, a colleague of mine keeps insisting that for sawmills, planing mills, shingle mills and logging camps, Oregon law requires that I pay overtime for any work over 8 hours in a day and 48 hours in a week. She says she even read that in the Oregon statutes. Is she correct?

She is correct that this requirement appears in the Oregon law, but she is incorrect in believing that it is currently effective. That is because this law has been designed to go into effect *only* if the states of California, Washington and Idaho enact similar laws. Since that has not yet happened, this provision is in a "holding pattern" and may never become an actual requirement. However, you are right that you must still pay the daily overtime amounts referenced above. See ORS 652.010, 652.020 and 652.030 for more information.

But aren't manufacturing employees still entitled to be paid overtime for all hours worked over 40 in a workweek? And does this mean I have to pay them "double overtime" if they work both daily and weekly overtime?

You are right that you still must pay weekly overtime to your employees. However, in situations where they work both daily and weekly overtime, you will be in compliance with both standards as long as you calculate the overtime both ways and pay the higher amount for that workweek.

Is every employee at my plant subject to these rules, including the office workers?

No. Your office employees are not covered by these requirements, as long as they work in a separate area with a physical barrier separating them from the actual manufacturing operations. There are also other kinds of employees (such as drivers, loaders, cooks, etc) who are not included in the statute's definition of "manufacturing," and are therefore not subject to these laws.

For more information about these and other important issues affecting Oregon employers, please visit our website at www.oregon.gov/BOLI. You may also call our Employer Information Line at 971-673-0824.

Register now for our 23rd Annual Employment Law Conference for Employers on December 5 and 6.