

Electronic Alert

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Oregon Legislature Passes the Fair Work Week Act By Allison Jacobsen

Last week, Oregon legislators passed Senate Bill 828, known as the Fair Work Week Act (“Act”). The state bill, the first of its kind in the country, addresses uncertainty of employees’ work schedules and currently awaits Governor Brown’s signature for approval.

The Act, which will preempt any local scheduling ordinances, applies to employers with 500+ employees worldwide (including chains and integrated enterprises, but not separately owned franchises) in the retail, food services, and hospitality industries. Beginning July 1, 2018, covered employers will be required to:

- Provide a new employee with a written good faith estimate of the employee’s work schedule at the time of hire
- Give employees a written work schedule at least seven calendar days in advance, but at least 14 days in advance beginning July 1, 2020
- Administer a rest period of 10 hours for workers between two shifts (employee may waive this voluntarily with a time-and-a-half rate to apply)
- Allow employees to give schedule preferences (although employers are not required to honor the request)

The bill provides that employees may be eligible for additional wages in certain situations when employers make last minute schedule changes. A covered employer may also maintain a voluntary standby list of employees whom the employer may request to work additional hours, although the employee will not be required to accept the hours offered.

Additionally, the legislation contains an anti-retaliation provision that makes it an unlawful practice for an employer to interfere with, restrain, or deny (or attempt to deny) an employee to exercise rights under the Act. The provision also makes it unlawful to retaliate or discriminate against an individual in any employment decision because he or she has inquired about anything in the Act.

For more information about the Fair Work Week Act and other employment legislative updates, join Barran Liebman for our next Seminar on July 11th.