

EMPLOYMENT LAW BRIEFING

HOLIDAY 2015

Holiday Issue: All of us at **Whitford Law Offices** appreciate your support over the last year and extend our best wishes for the holiday season.

Mandatory Sick Leave: Oregon Employers will be required to provide up to 40 hours of annual sick leave to employees beginning on January 1. For Employers with 10 or more employees, anywhere in the state, sick leave must be *paid*. If fewer than 10 are employed, the sick leave is *unpaid*. For Employers with a location in a city of more than 500,000 residents, the threshold is six employees. Sick leave, paid or unpaid, will be time away from work, without reductions in benefits. Sick leave may be used for illness, diagnostic or preventative care for employees or family members. The law includes provisions addressing accrual, notices of accruals, carry-over of accrued sick leave and verification of illness. **Employees employed on January 1 may use sick leave as it accrues.** Please call our office for compliance assistance.

Criminal History Checks: As of January 1, it will be an unlawful employment practice in Oregon for an Employer to require an applicant for employment to disclose any criminal conviction in an employment application form or otherwise prior to an initial interview. If no interviews are conducted, an applicant may not be required to disclose a criminal conviction prior to a conditional offer of employment. Most Employers will need to update application forms. Please call our office to arrange for a review of application forms or hiring procedures.

Overtime Adjustments for Bonus Payments: If a year-end or holiday bonus paid to non-exempt employees is considered "non-discretionary" under wage and hour regulations, any overtime payments during the period covered by the bonus must be recalculated to reflect the addition of the bonus amount to the regular rate of pay. To avoid unexpected liability, adopt a clear written policy describing the purpose of the bonus, the period covered, the process for determining the fund from which bonuses are paid, eligibility requirements for participation and the date of bonus distribution.

2016 Minimum Wage Rates: Inflation-indexed minimum wage rates for Oregon (\$9.25) and Washington (\$9.47) will **not** be adjusted for 2016. The legislatures in both states have considered adopting significantly higher rates. California and Massachusetts will have the highest state minimum wage (\$10.00). The federal minimum wage (\$7.25), set in July of 2009, is not scheduled to change. Many local jurisdictions have adopted higher minimum wage rates.

Exempt Employee Pay & Holiday Closures: An exempt employee who works only part of a designated workweek, due to Employer action, such as a shutdown between year-end holidays, must be paid a full week's salary. Employers with a 12:01 am Sunday to midnight Saturday workweek, closing between Christmas and New Year's Day this season, for example, will need to compensate exempt employees for the full week of December 20-26, unless no work is performed, but need not pay such employees if no work is performed the following week.

Please contact our office if you have questions about the material in this newsletter, or other employment law compliance concerns.

If you prefer to receive future copies of **Employment Law Briefing** by FAX or e-mail, or if you have additions to, or deletions from our contact list, please let us know. Thank you. © 2015 Whitford Law Offices LLC



Whitford Law Offices LLC

1819 D Street NE Salem, Oregon 97301 Phone 503-365-8700 FAX 503-365-8701
www.TheEmployerAdvocate.com