CURRENT TRENDS IN HR

Wage & Hour Issues

Increase in minimum wage – effective **July 1, 2016**

Region 3, Portland (UGB) includes: parts of Clackamas, Multnomah and Washington Counties

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<tbody>
<tr>
<td>Region 1 Non-Urban Counties</td>
<td>$9.50</td>
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<td>$12.50</td>
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<tr>
<td>Region 3 Portland (UGB)</td>
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<td>Rate Adjusted for Inflation +$1.25</td>
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Proper application of administrative, professional executive exemptions

**Exempt administrative employees must:**

- Primarily perform office or non-manual work directly related to management policies or general business operations. The work must be distinguished from production or sales work and is limited to duties directly related to the running of a business and not merely the day-to-day carrying out of its affairs.
- Perform work as an administrative assistant, such as an executive’s assistant who has management duties; a staff employee, such as an advisory specialist or department head; or as a special assignment employee such as a field manager.
- Spend most of the workweek performing management duties. As with exempt executives, this generally means more than 50 percent of work time; however, other factors might support exempt status.
- Customarily and regularly exercises authority to make decisions of significance.
Professional employees must:

- Primarily perform work as professionals in either learned or artistic professions, or as teachers in an educational institution or as highly skilled computer professionals. Learned professionals, teachers and highly skilled computer professionals are those who have attained knowledge of an advanced type customarily acquired by a prolonged course of specialized intellectual instruction and study. A four-year degree may satisfy this requirement, however associate degrees do not. (See also "Computer Professionals").
- Spend most of the workweek performing professional duties. This generally means more than 50 percent of work time; however, other factors may be considered if less than 50 percent of the week is spent in professional work.
- Perform work that is predominantly intellectual and varied rather than routine, manual, mechanical, or physical.
- Consistently exercise discretion and independent judgment.

Exempt executives (supervisors) must satisfy the following duties tests:

- Primarily manage a distinct unit or subdivision within the organization.
- Spend most of the workweek performing management duties. This generally means more that 50 percent of the work time, however, other factors might support exempt status if less than 50 percent of work time is spent in management. Other factors could include: the employee is paid a significantly higher salary than is paid to nonexempt staff; the employee makes frequent management decisions; the employee is free from direct supervision.
- Supervise two or more full-time employees (or the equivalent of two or more).
- Have hiring or firing authority or, if not full authority, their recommendations are given particular weight.
- Customarily and regularly exercise authority to make decisions of significance.

Ban the Box

Oregon’s ban the box law, House Bill 3025, was passed in 2015. Oregon is not alone: 13 other states have passed similar laws. The new requirements were put forth to reduce discrimination against applicants with a criminal history.

HB 3025 makes it illegal for employers to ask applicants about their criminal history on employment applications. Instead, employers have to wait until an interview to inquire about an applicant’s criminal history.

The legislation offers an exemption for employers that are required by state or federal law to provide a background check process. Districts are required by state law to perform background checks for all employees, so they are exempt from these new requirements. Districts should remember to justify how an employee’s criminal history is a disqualifier.
for the position when an applicant is removed solely for criminal convictions.

**Sick Time**

Oregon signed into law SB 454 in June, 2015, making Oregon the fourth state to enact a statewide mandatory paid sick leave law. The bill was initially brought forward to ensure that employees had the ability to take leave for preventive medical care as well as for illnesses for both themselves and their family without losing their job. The new law requires Oregon employers to provide sick time to employees beginning on January 1, 2016. Employees are able to use the sick time for a wide range of illness or preventative care reasons as well as to take care of family members.

- Update Policy
- Review Collective Bargaining Agreement
- Implement Monitoring & Recording Process

**Marijuana**

- Legalized for recreational purposes in 2015
- Employer still allowed to have drug-free workplace policies
- Still required to comply with collective bargaining agreement (e.g., just cause)