

O R E G O N

SEPTEMBER 2016

# BEER GROWLER

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to Central Oregon**

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# Law Changes Oregon Beer Employers Need to Know

BY CHRIS MOREHEAD  
For the Oregon Beer Growler

Employment laws in Oregon are constantly changing. And those changes typically bring about increased duties or other obligations for employers, the craft beer industry (CBI) included. To help you stay current with those changes, here are some of the biggest employment law developments:

**1. Oregon Minimum Wage Increase:** Starting July 1, Oregon's aggressive new minimum wage law went into effect. Depending on where the CBI employer is located, as well as where employees perform their work, the minimum wage has increased from \$9.25 to either \$9.50 or \$9.75. Generally speaking, employers in "low-density" counties (Coos, Klamath, etc.) are now required to pay their employees at least \$9.50, whereas employers in "medium-density" (including Deschutes, Hood River, Lane, Tillamook, and those parts of the Portland Metro area outside the urban growth boundary) or "high-density" (inside Portland's urban growth boundary) counties must now pay at least \$9.75. This amount will increase every July 1 for the next six years, and eventually CBI employers in "high density" counties will have to pay \$14.75 per hour.

**2. Special Minimum Wage Rules for Delivery Drivers and Other Employees:** In conjunction with the new minimum wage law, Oregon's Bureau of

Labor and Industries released minimum wage regulations in mid-June, which have several key provisions that apply to employees who work in more than one pay region. Specifically, employees who work half or more of their time at a place other than their employer's fixed location, must be paid the minimum wage of the pay region where their work is performed. If employees perform more than half their work at a permanent fixed location, they are entitled to the minimum wage of that pay region.

For those of you with delivery drivers, note that those workers have their own special rule: If delivery drivers start and end their work day at a permanent fixed location, they will be paid based on the location of the business. Also, if employees are not being paid the highest minimum wage rate for any region they work in (because less than half their time is spent working there), you must now maintain records for where each of those employees worked.

**3. Portland "Bans the Box":** Also starting July 1, Portland-based CBI employers using criminal background checks for applicants are now subject to very strict regulations. Portland's "Ban the Box" ordinance applies to CBI employers with six or more employees. In addition to requiring removal of all criminal background history inquiries from employment applications, employers now can't ask about - or even run their own independent background checks through third-party vendors



CHRIS MOREHEAD is an attorney in the Portland office of Fisher Phillips, a national labor and employment law firm. He has an emphasis on the craft beer industry. When not in the office, he's collecting badges on "Untappd." He can be reached at CMorehead@fisherphillips.com or 503-205-8099.

- until after a conditional offer of employment has been made. And even then, you can't withdraw the job offer unless you can show that the criminal history is "job related" and "consistent with business necessity." In making that determination, you have to take several factors into consideration, such as the nature of the crime and the amount of time that has elapsed since the crime. There are other notice requirements and particular nuances as well. So, if you're considering an applicant for an accountant position and you find out they have a conviction for DUII from 10 years ago, the criminal background likely isn't job related. But if that same applicant has a 1-year-old embezzlement conviction, that's a different story. Failure to comply with this ordinance could create negative publicity, in addition to being a very expensive legal nightmare.

**4. Department of Labor Releases New Exempt Salary Requirements:** In late May, the Department of Labor released rules that significantly increased the minimum salary threshold for "white collar" employees (who are exempt from overtime laws). Starting in December 2016, employees who earn less than \$47,476 will be eligible for overtime in any week they work more than 40 hours. This is a drastic change, as the previous amount was just \$23,660. If your company has employees that currently fall under this "white collar" exemption, start planning for how you'll address this enormous change immediately.

**5. OSHA Significantly Increases Injury Reporting Requirements:** Also in May, the Department of Labor's Occupational Safety and Health Administration released its own set of rules, which will require employers to electronically upload information about workplace injuries and illnesses to OSHA's public website. The rule will require virtually all CBI employers with 20-plus employees to submit information from 2016 300A Summaries starting July 1, 2017. For employers with 250-plus employees, those reporting obligations will increase the following year, when information from OSHA 300 and 301 forms must also be submitted. The rule also requires employers to inform employees of the right to report injuries and illnesses, which can be done by posting an OSHA "Job Safety and Health - It's the Law" poster. There are also specific anti-retaliation provisions for reporting work-related injuries. Putting aside the confidentiality concerns employers are facing with this new regulation, CBI employers should be prepared for the looming reporting requirements and deadlines. Failure to abide can result in substantial OSHA citations and penalties.

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city. Second and third place receive a combined total of more than \$300 in gift cards. Only 30 entries will be accepted and submissions are due by Monday, Oct. 24 at the downtown pub with all appropriate paperwork. Check the Silver Moon Facebook page for more details. Winners will be announced during the "One Beard to Rule Them All Beard & Mustache Contest," Saturday, Nov. 12.



OREGON HOPS AND BREWING ARCHIVES

## OREGON ARCHIVES EXPANDING ITS REACH

Oregon State University has already amassed an impressive collection of records regarding the history of farming and beer making in the Pacific Northwest. Now the Oregon Hops and Brewing Archives is entering its third year by broadening its reach to include research on homebrewing, barley farming and cider/mead making.

"We are so proud of the support we've gotten over the past three years and are excited to broaden our collecting areas to cover more topics, more time periods and more territories," said Tiah Edmondson-Morton, an archivist at Oregon State's Valley Library and the curator for the library's Oregon Hops and Brewing Archives.

When it was established in 2013, the archives were the first in the country dedicated to collecting materials related to the history of hops and craft brewing. To celebrate the content expansion and three-year anniversary, the archives is releasing a photo per day for three months. You can view them on The Brewstorian blog and OHBA's Facebook and Twitter pages.

## NINKASI CREATES TEAM OF PRO ATHLETES

Eugene's largest brewery has always embraced physical activity - whether that was by installing a rock climbing wall at its headquarters or facilitating a running club for employees. Ninkasi has taken that passion for exercise to the next level by creating "Team Total Domination," a lineup of professional athletes and adventurers who also love craft beer. Participants include a two-time track Olympian, a kayaker and paraglider, a snowboarder and an ultra-runner. Ninkasi will partner with these individuals on various projects throughout the year.

"It was only natural that as an extension of our passions here at the brewery, we would establish a team of all-stars who celebrate the outdoors and also happen to enjoy a delicious beer at the end of the day," said Nikos Ridge, Ninkasi CEO, co-founder and outdoorsman. "Honestly, there is no time that a beer tastes better than at the end of an epic outdoor adventure doing something you love."

## PORTLAND BREWING STARTS HOMEBREW SERIES

Many a great brewery began with a dedicated homebrewer who wanted to grow in his or her craft. Portland Brewing is recognizing those hard work-

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Teton

10 Barrel Brewing Co. is hitting the road with Teton Gravity Research this fall on their ski and snowboard film premiere tour. Check us out in a city near you to party, compete in the rail jam for cash and new skis or boards, and Pray for Snow!