

# 2017 LEGISLATION ALERTS

## Construction Law

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### **HB 3458 (Ch. 685) Defining “Workweek” and Overtime Provisions**

HB 3458 amends ORS chapters 652, 653, and 659A. The legislation defines a “workweek” as a successive 7-day period and connects overtime payments to the amounts identified for particular trades, or 40 hours. The legislation then defines various trades, and provides various specific requirements and exceptions, provides an “undue hardship” exemption for employers in certain situations.

Finally, the legislation also creates a private cause of action for employees whose employers do not follow the law, and a right in certain cases for a complaint with the Commissioner of the Bureau of Labor and Industries. For additional information about this bill, see the Employment and Labor chapter.

HB 3458 took effect on August 8, 2017.

### **SB 336 (Ch. 483) Construction Contractors Board**

SB 336 adds a new section to ORS chapter 701, the Construction Contractors Licensing Act.

If the responsible managing individual for a contractor or business required to have a responsible managing individual under ORS chapter 701 ceases to serve in that role, the contractor or business must notify the Construction Contractors Board in the manner required by ORS 701.144. Additionally, the notification must include the

former responsible managing individual’s name and the name and address of the qualified employee or individual designated as the contractor’s or business’s new responsible managing individual or interim responsible managing individual.

Notwithstanding ORS 701.081, 701.084, and 701.091, a contractor or business may operate with a temporary responsible managing individual while awaiting the board’s determination that the individual designated as the new responsible managing individual is qualified for the position. The temporary responsible managing individual may serve in that role for the earlier of 14 days after giving notice or the date when the contractor or business receives notice that the board has approved the individual designated as the new responsible managing individual.

SB 336 takes effect on January 1, 2018, and the Construction Contractors Board must adopt temporary rules to implement it no later than 90 days after the effective date.