

These guides and the information contained within do not constitute or are intended as legal advice. Please consult a licensed private attorney for specific help with your case.

GUIDE ON THE PAYMENT OF WAGES

What is the minimum wage?

The minimum wage is the minimum that an employer needs to pay for each hour of work. The minimum wage is set by state and federal law. Since the beginning of 2015, the minimum wage in the state of Oregon is \$9.25 per hour. In the state of Oregon, the minimum wage increases every year, based on the increase in the cost of living from the year before. To verify the minimum wage, you can visit the website of the Bureau of Labor and Industries, [Wage-and-Hour Division](#) or you can call 971-673-0761. There are some exceptions to the law.

What is overtime?

In the majority of hourly wage jobs, if you work more than 40 hours during the week, you should receive 1.5 times the normal wage rate for time over forty hours. This is call overtime. The employer cannot make an individual agreements with employees not to pay the overtime rate for the extra hours. The overtime laws do not cover administrative employees, executives, professionals or outside sales people. Under some labor contracts, workers can receive more than one and half times their usual wage for overtime hours.

Exceptions in Agriculture

Some agricultural employers, such as meat packing or processing businesses, are covered by overtime law. However, workers in the fields generally do not have the right to receive overtime for working over 40 hours in a week.

What is the law regarding pay periods and paystubs?

Employees must be paid at least every 35 days and pay day must be regularly scheduled. Payment cannot be held for an undetermined time. Also, when a worker leaves her job, the employer has to pay the outstanding wages owed at the latest by the end of the normal pay period.

For every paycheck, each worker should receive a written statement (normally a paystub) that includes:

- Date of payment;
- Amount that is being paid;
- Total hours worked;
 - In the case of piece work, the amount harvested, cut, made, etc.;
- Amount subtracted for deductions, i.e. federal or state income tax, social security or for advances in pay; and the reason for each deduction.

Texto adaptado de: “*Un manual de derechos de los trabajadores, para el estado de Washington,*” Capítulo 1, p. 4-9 publicado por The Evergreen State College Labor Education and Research Center, y disponible en: <http://www.evergreen.edu/laborcenter/home.htm> y de “*Leyes Estatales que Regulan el Salario Mínimo y el Pago de Sueldos*” publicado por el Departamento de Labores e Industrias de Oregon (BOLI).

The statement should identify the worker, including their name, address and telephone number.

HOW MUCH SHOULD THEY PAY ME FOR MY WORK?

What is the minimum wage?

The minimum wage is the minimum amount per hour that an employer can pay under the law. Since January 2015, the minimum wage in the State of Oregon is \$9.25 for every hour of work. The minimum wage in the State of Oregon covers the majority of workers, including in agricultural work.

Workers should be paid the minimum wage for “all hours worked.” The hours worked include:

- Time the worker spent waiting before work if the employer has asked the worker to wait;
- Time waiting to receive boxes or to carry or weigh a product or material;
- Time waiting for vehicles or equipment to arrive;
- Time waiting for a business to be opened or closed;
- Preparation time;
- Time attending required meetings; and
- Training time.

In general, workers should be paid for time that they are being transported from one place to another after the work day has begun. All the time listed above should be recorded and paid by the employer. If an employer says that they don't have to pay you the minimum wage, you can report it to or file a complaint with [BOLI, Wage-and-Hour Division](#) or call an attorney.

Please be aware that the minimum wage is counted by pay period, not necessarily by day. That means that if a worker earns less than the minimum wage some days and earns more other days, that would be legal, as long as at the end of the pay period the worker receives at least the minimum wage for the total hours worked.

Are there exceptions to the minimum wage for agricultural workers?

Yes, there are. An employer is not obligated to pay the minimum wage if they meet ALL the following conditions:

- The worker must be employed to harvest by hand,
- The work must be paid by the piece for work that is traditionally paid on a piece-rate basis,
- The worker must reside permanently near the farm and commute daily from her home to the farm
- The worker must have been employed in agriculture for at least 13 weeks during the last calendar year.

For example, an adult or teenager who works picking by hand at least 13 weeks a year in the harvest season, but who does not usually work in agriculture at other times of the year, does not have the right to receive minimum wage.

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If someone is an agricultural worker, and if their situation does not include every one of the conditions listed above, their boss will be able to pay them by piece or salary, but the pay will have to be at least the minimum wage. Migrant farmworkers should receive at least the minimum wage or the equivalent. Employers should keep a record of the hours worked and of the payment by piece or salary. If the payment by piece or salary does not reach the level of minimum wage for each pay period, the employer will have to pay the difference.

For example: a worker in a factory where they can beets is paid by the number of cans she produces during her shift. In a week, the worker produces 3,000 cans of beets in five shifts of eight hours. Her piecework price, or payment per can, is 10 cents. Ten cents for 3,000 cans is equal to a payment of \$300 a week; but the minimum wage in Oregon is \$9.25 per hour and since she worked 40 hours she should receive \$370 for this week. The employer must pay the difference to the worker. Remember that in Oregon, minimum wage is determined by the number of hours worked multiplied by \$9.25

If they fire me, when do they have to give me my final check?

When a worker is fired, all of the earned wages for that person must be paid at least by the end of the day of the firing. If an employee quits giving at least 48 hours' notice, the wages should be paid on the last day of work. If an employee quits without giving 48 hours' notice, the wages should be paid within five days excluding weekends and holidays, or on the regular pay day, whichever happens first. There are other requirements for final paychecks for contract employees, temporary agricultural workers, carnival workers, and others covered by a collective bargaining agreement. Call the [BOLI office](#) for more information.

Final paychecks cannot be held until uniforms or tools are returned or for any other similar reasons.