

OLCC checks on businesses watering down new bottle bill laws

With the first full weekend of the New Year under Oregonian's belts, consumers are finding that many Oregon retailers and manufacturers haven't made the change to selling only bottled water labeled with the OR 5¢ refund value. Oregon Liquor Control Commission checks show several brands on the shelves are still unmarked.

"We were the first in the nation to have a bottle bill and now we're embracing our first expansion," said Thomas Erwin, OLCC Director of Government Affairs and Communications. "Oregonians value our environmentally responsible culture and take the bottle bill seriously. In order to make this a success, retailers and manufacturers need to do their part, too."

Under the new law, water bottles sold in Oregon as of January 1 must be marked with a 5¢ refund value. Only bottles with the OR 5¢ designation are eligible for the 5-cent redemption. This becomes a problem for Oregonians when they are charged a nickel deposit for a bottle not labeled appropriately and then they can't get their deposit back from a retailer.

"Even if a bottle return machine is programmed to accept non-marked containers, we still have a multitude of small retailers across the state who are looking for that OR 5¢ designation before paying out a nickel," said Erwin. "OLCC has been actively engaging manufacturers and retailers for a year-and-a-half to ensure their understanding and compliance with

the bottle bill."

OLCC inspectors have started conducting inspections around the state to see if the water bottles on the shelves have the appropriate OR 5¢ designation. Business owners who do not comply with the bottle bill could be cited with a Class A Misdemeanor. Owners

with a liquor license can receive an administrative sanction in addition to the criminal citation.

Consumers are urged to email the OLCC at bottle_bill@state.or.us or call the OLCC's Bottle Bill hotline at #1-888-h2o-2009 (1-888-426-2009) to report bottle bill viola-

tions.

For more information on the Oregon Bottle Bill, including frequently asked questions, and what retailers and consumer need to know, visit our web page http://oregon.gov/OLCC/bottle_bill.shtml or call the Bottle Bill Hotline at #1-888-h2o-2009 (1-888-426-2009).

BOLI clarifies rules on meal breaks

The Bureau of Labor and Industries (BOLI) implemented a new administrative rule, January 12, to clarify and update meal and rest period provisions. The revised rule, effective immediately, retains the basic requirement that employees be provided with a 30-minute, unpaid meal period in which they are relieved of all duties (for shifts longer than six hours), but revises the obligations of employers who do not provide the full 30-minute meal period and/or relieve an employee completely from duty (i.e. the employee remains on-call). The new rule is the product of recommendations made to Commissioner Brad Avakian by the Meal and Rest Period Rules Advisory Committee (MARP AC) and subsequent revisions made based on public comments.

"This rule strikes a careful balance between an employee's right to adequate meal and rest periods and legitimate situations in which providing total relief for 30 continuous minutes is not always feasible," said Commissioner Avakian.

Under the new rule an employer who does not provide an employee with a 30-minute meal period in which the employee is relieved of all duties must be able to demonstrate that: 1) failure to provide a meal period was caused by unforeseeable equipment failures, acts of nature or other exceptional and unanticipated cir-

cumstances that only rarely and temporarily preclude the provision of a meal period; 2) industry practice or custom has established a paid meal period of less than 30 minutes (but no less than 20 minutes) during which employees are relieved of all duties; or 3) providing a 30-minute, unpaid meal period where the employee is relieved of all duties would impose an undue hardship on the operation of the employer's business.

"The clarified rule increases protection for employees by setting a higher standard for employers who do not provide the typical 30-minute meal period," said Commissioner Avakian. "It wasn't clear under the old rule that employees must still be provided time to rest and consume a meal when a full 30-minute period wasn't possible.

"The new rule is good for employers too, because it sets a clear standard for exemption from the standard rule. If an employer believes that the nature of their business precludes regular meal periods, then they must be able to demonstrate an undue hardship created by providing the full meal period or total relief from duty," Avakian added.

The new standard is significantly different from the prior rule, which did not require an employee to be relieved of all duties when "the nature or cir-

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