

DAVIS WRIGHT TREMAINE LLP

Maximum Hours for Winery Employees

A Legal Resource Provided by Davis Wright Tremaine LLP
and the Oregon Winegrowers Association

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Davis Wright Tremaine LLP is a full service law firm providing services to the wine industry in the areas of mergers and acquisitions and other business transactions, land use and real estate, alcohol regulatory and licensing, intellectual property, employment, and litigation.

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Winery – Maximum Hours and Rest Periods

Oregon law heavily regulates the hours that certain employees can work in wineries (as “manufacturing” establishments). *For those employees covered by Oregon’s rules—not all employees are covered—key points include:*

- **RULE – 55 hour max:** A winery may not require or permit such employees to work *more than 55 hours* per workweek.
- **EXCEPTION – 60 hour max:** However, a winery may allow such employees to work *up to 60 hours* per workweek, if the employee voluntarily consents. BOLI consent forms can be downloaded [here](#) and can be found on www.oregon.gov/boli. Employees can withdraw consent with 7 days’ written notice.
- **EXCEPTION – 80/84 hour consent + hardship:** Wineries can qualify for an “undue hardship period exemption” for “perishable goods.” To qualify, the employer must get the employee’s written consent, and must give formal notice to the Oregon Bureau of Labor and Industries (BOLI) within 7 days. Under this exception, employees may work additional hours during up to 21 hardship weeks in a calendar year. Of those 21 weeks, up to 4 weeks can include employees working *up to 84 hours* per workweek, and the remainder can be *up to 80 hours* per workweek. Forms are available on www.oregon.gov/boli and can be downloaded directly [here](#) and [here](#).
- **Rest between shifts:** Such employees must receive a minimum *10 hours off work* if the previous shift was 8 hours or longer. There are exceptions for emergencies like major equipment breakdowns.

For jobs covered by this law, it is unlawful to coerce an employee into consenting, or to allow an employee to work more hours than allowed by law, and the business cannot require applicants to agree to work more than 55 hours per week in order to qualify for the job.

The daily overtime and maximum hour rules for wineries—paying daily overtime for more than 10 hours in a workday, with a maximum of 13 hours in a workday—still remains the law. To calculate pay, wineries calculate both daily and weekly overtime, and then pay whichever is *higher*.

Some winery workers are exempt from these laws, such as qualifying managers and repair workers. For more information, see BOLI regulations on www.oregon.gov/boli or download directly [here](#). Wineries should consult legal counsel for specific advice about their workplace and employees.

Points to Consider

- **Supervisor training:** Plan any communications to supervisors and managers about the rules.
- **Schedule changes:** Address schedule and workflow changes ahead of time, if any are needed.
- **Assess exemptions:** See legal counsel to determine which employees are exempt from the rules—certain employees can be required to work more than the maximum hours.
- **Timing for BOLI notices:** Forecast when potential undue hardship periods may occur, to prepare for BOLI notices.
- **Recordkeeping:** Determine the process for recordkeeping, including organizing consent forms and withdrawals of consent.



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