

# House Bill 2308

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts employees of multiunit accommodations who are domiciled at multiunit accommodations from laws regulating minimum wage, overtime and other minimum employment conditions.

## A BILL FOR AN ACT

1  
2 Relating to employees exempt from laws regulating minimum employment conditions; creating new  
3 provisions; and amending ORS 653.020.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 653.020 is amended to read:

6 653.020. ORS 653.010 to 653.261 do not apply to any of the following employees:

7 (1) An individual employed in agriculture if:

8 (a) [*Such*] **The** individual is employed as a hand harvest or pruning laborer and is paid on a  
9 piece-rate basis in an operation [*which*] **that** has been, and is customarily and generally recognized  
10 as having been, paid[,] on a piece-rate basis in the region of employment and is employed by an  
11 employer who did not[,] during any calendar quarter during the preceding year use more than 500  
12 piece-rate-work-days of agricultural labor;

13 (b) [*Such*] **The** individual is the parent, spouse, child or other member of the employer's imme-  
14 diate family;

15 (c) [*Such*] **The** individual:

16 (A) Is employed as a hand harvest or pruning laborer and is paid on a piece-rate basis in an  
17 operation [*which*] **that** has been, and is customarily and generally recognized as having been, paid  
18 on a piece-rate basis in the region of employment;

19 (B) Commutes daily from a permanent residence to the farm on which the individual is so em-  
20 ployed; and

21 (C) Has been employed in agricultural labor less than 13 weeks during the preceding calendar  
22 year;

23 (d) [*Such*] **The** individual, other than an individual described in paragraph (c) of this subsection:

24 (A) Is 16 years of age or under and is employed as a hand harvest laborer, is paid on a piece-rate  
25 basis in an operation [*which*] **that** has been, and is customarily and generally recognized as having  
26 been, paid on a piece-rate basis in the region of employment; and

27 (B) Is paid at the same piece-rate as employees over 16 years of age on the same farm; or

28 (e) [*Such employee*] **The individual** is principally engaged in the range production of livestock,  
29 [*and*] earns a salary and is paid on a salary basis.

30 (2) An individual employed in domestic service on a casual basis in or about a family home.

31 (3) An individual engaged in administrative, executive or professional work who:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (a) Performs predominantly intellectual, managerial or creative tasks;
- 2 (b) Exercises discretion and independent judgment; and
- 3 (c) Earns a salary and is paid on a salary basis.
- 4 (4) An individual employed by the United States.
- 5 (5) An individual who is employed by an institution whose function is primary or secondary
- 6 education[,] and in which the individual is an enrolled student.
- 7 (6) An individual engaged in the capacity of an outside salesperson or taxicab operator.
- 8 (7) An individual domiciled at a place of employment for the purpose of being available for
- 9 emergency or occasional duties for time other than that spent performing these duties, provided that
- 10 when the individual performs emergency or occasional duties, the individual must be paid no less
- 11 than the wage specified in ORS 653.025.
- 12 (8) An individual paid for specified hours of employment, the only purpose of which is to be
- 13 available for recall to duty.
- 14 (9) An individual [*domiciled*] **who is employed** at multiunit accommodations designed to provide
- 15 other people with temporary or permanent lodging[, *for the purpose of maintenance, management or*
- 16 *assisting in the management of same*] **and who is domiciled at the multiunit accommodations.**
- 17 (10) An individual employed on a seasonal basis at:
  - 18 (a) An organized camp operated for profit that generates gross annual income of less than
  - 19 \$500,000; or
  - 20 (b) A nonprofit organized camp.
- 21 (11) An individual employed at a nonprofit conference ground or center operated for educational,
- 22 charitable or religious purposes.
- 23 (12) An individual who performs services as a volunteer firefighter, as defined in ORS 652.050.
- 24 (13) An individual who performs child care services in the home of the individual or in the home
- 25 of the child.
- 26 (14) An individual employed in domestic service employment in or about a family home to pro-
- 27 vide companionship services for individuals who, because of age or infirmity, are unable to care for
- 28 themselves.
- 29 (15) An individual who performs service as a caddy at a golf course in an established program
- 30 for the training and supervision of caddies under the direction of a person who is an employee of
- 31 the golf course.
- 32 (16) An individual **who is** employed as a resident manager by an adult foster home that is li-
- 33 censed pursuant to ORS 443.705 to 443.825 and who is domiciled at the adult foster home.
- 34 (17) An individual residing in a mobile home park or manufactured dwelling park designed to
- 35 provide other people with temporary or permanent lodging, for the purpose of maintenance, man-
- 36 agement or in assisting in the management of same.
- 37 (18) An individual who volunteers as a campground host and who resides in a campground
- 38 owned by a public agency that provides temporary accommodations for travelers, whether under
- 39 public or private management, and who provides information and emergency assistance.

40 **SECTION 2. The amendments to ORS 653.020 by section 1 of this 2007 Act apply only to**  
41 **work performed on or after the effective date of this 2007 Act.**

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