

# House Bill 3326

Sponsored by COMMITTEE ON BUSINESS AND LABOR

## 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**.

Defines and modifies definitions of certain terms for purposes of statutes relating to hours, wages, wage claims and employment conditions.

## A BILL FOR AN ACT

1  
2 Relating to definitions of terms concerning employment; creating new provisions; and amending ORS  
3 653.010.

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

5 **SECTION 1.** ORS 653.010 is amended to read:

6 653.010. As used in ORS 653.010 to 653.261, unless the context requires otherwise:

7 (1) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.

8 (2) "Employ" includes to suffer or permit to work but does not include voluntary or donated  
9 services performed for no compensation or without expectation or contemplation of compensation  
10 as the adequate consideration for the services performed for a public [*employer referred to in sub-*  
11 *section (3) of this section*] **body as defined in ORS 174.109**, or a religious, charitable, educational,  
12 public service or similar nonprofit corporation, organization or institution for community service,  
13 religious or humanitarian reasons or for services performed by general or public assistance recipi-  
14 ents as part of any work training program administered under the state or federal assistance laws.

15 (3) "**Employee**" means an individual employed by an employer in this state.

16 [(3) "*Employer*" means any person who employs another person including the State of Oregon or  
17 a political subdivision thereof or any county, city, district, authority, public corporation or entity and  
18 any of their instrumentalities organized and existing under law or charter.]

19 (4) "**Employer**" means a person, including but not limited to a public body as defined in  
20 **ORS 174.109 and a person acting directly or indirectly in the interest of an employer in re-**  
21 **lation to an employee, that employs an individual.**

22 [(4) (5) "Minor" means any person under 18 years of age.

23 [(5) (6) "Occupation" means any occupation, service, trade, business, industry, or branch or  
24 group of industries or employment or class of employment in which employees are gainfully em-  
25 ployed.

26 [(6) (7) "Organized camp" means a day or resident camp, whether or not operated for profit,  
27 established to give campers recreational, creative, religious or educational experience in cooperative  
28 group living wherein the activities are conducted on a closely supervised basis, whether or not the  
29 camp is used primarily by an organized group or by members of the public and whether or not the  
30 activities or facilities are furnished free of charge or for the payment of a fee.

31 [(7) (8) "Outside salesperson" means any employee who is employed for the purpose of and 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 is customarily and regularly engaged away from the employer’s place or places of business in mak-  
 2 ing sales, or obtaining orders, or obtaining contracts for services and whose hours of work of any  
 3 other nature for the employer do not exceed 30 percent of the hours worked in the workweek by the  
 4 nonexempt employees of the employer.

5 [(8)] (9) “Piece-rate” means a rate of pay calculated on the basis of the quantity of the crop  
 6 harvested.

7 [(9)] (10) “Salary” means no less than the wage set pursuant to ORS 653.025, multiplied by 2,080  
 8 hours per year, then divided by 12 months.

9 [(10)] (11) “Wages” means [*compensation due to an employee by reason of employment*] **all com-  
 10 pensation for performance of service by an employee for an employer, including but not  
 11 limited to penalty wages owed under ORS 652.150, whether paid by the employer or another  
 12 person**, payable in legal tender of the United States or check on banks convertible into cash on  
 13 demand at full face value, subject to such deductions, charges or allowances as are permitted in ORS  
 14 653.035.

15 [(11)] (12) “Work time” includes both time worked and time of authorized attendance.

16 **SECTION 2. Section 3 of this 2009 Act is added to and made a part of ORS chapter 652.**

17 **SECTION 3. As used in this chapter, unless the context requires otherwise:**

18 (1) “Employ” includes to suffer or permit to work but does not include voluntary or do-  
 19 nated services performed for no compensation or without expectation or contemplation of  
 20 compensation as the adequate consideration for the services performed for a public body as  
 21 defined in ORS 174.109, or a religious, charitable, educational, public service or similar  
 22 nonprofit corporation, organization or institution for community service, religious or  
 23 humanitarian reasons or for services performed by general or public assistance recipients  
 24 as part of any work training program administered under the state or federal assistance  
 25 laws.

26 (2) “Employee” means an individual employed by an employer in this state.

27 (3) “Employer” means a person, including but not limited to a public body as defined in  
 28 ORS 174.109 and a person acting directly or indirectly in the interest of an employer in re-  
 29 lation to an employee, that employs an individual.

30 (4) “Wages” means all compensation for performance of service by an employee for an  
 31 employer, including but not limited to penalty wages owed under ORS 652.150, whether paid  
 32 by the employer or another person, payable in legal tender of the United States or check on  
 33 banks convertible into cash on demand at full face value, subject to such deductions, charges  
 34 or allowances as are permitted in ORS 653.035.