

# House Bill 2862

Sponsored by Representative KOTEK, Senator MORSE (at the request of Oregon Council on Civil Rights, Oregon Advocacy Commissions and Commissioner of the Bureau of Labor and Industries Brad Avakian) (Pre-session filed.)

## 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**.

Extends certain employee protections to persons working for educational purposes and persons performing services without compensation.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to employee protections; creating new provisions; amending ORS 659A.001; and declaring  
3 an emergency.

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

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 659A.**

6 **SECTION 2. For the purposes of the employee protections provided under ORS 659A.030,**  
7 **659A.082, 659A.109, 659A.112, 659A.136, 659A.142, 659A.199, 659A.230, 659A.233, 659A.236,**  
8 **659A.290, 659A.300, 659A.303, 659A.306 and 659A.315, a person performing the following work**  
9 **or services is considered to be in an employment relationship with an employer:**

10 (1) **Work for educational purposes, whether or not the person receives payment or any**  
11 **other form of compensation or benefit.**

12 (2) **Services for which the person does not receive a salary, fee or other form of com-**  
13 **penetration or benefit for the services.**

14 **SECTION 3. ORS 659A.001 is amended to read:**

15 659A.001. As used in this chapter:

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

17 (2) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.

18 (3) "Employee" does not include any individual employed by the individual's parents, spouse or  
19 child or in the domestic service of any person.

20 (4) "Employer" means any person who, in this state[,]:

21 (a) Directly or through an agent, engages or uses the personal service of one or more employ-  
22 ees, reserving the right to control the means by which such service is or will be performed.

23 (b) **Is in an employment relationship with a person as described in section 2 of this 2011**  
24 **Act and for the purposes of the employee protections described in section 2 of this 2011 Act.**

25 (5) "Employment agency" includes any person undertaking to procure employees or opportu-  
26 nities to work.

27 (6)(a) "Familial status" means the relationship between one or more individuals who have not  
28 attained 18 years of age and who are domiciled with:

29 (A) A parent or another person having legal custody of the individual; or

30 (B) The designee of the parent or other person having such custody, with the written permission

**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 of the parent or other person.

2 (b) "Familial status" includes any individual, regardless of age or domicile, who is pregnant or  
3 is in the process of securing legal custody of an individual who has not attained 18 years of age.

4 (7) "Labor organization" includes any organization which is constituted for the purpose, in  
5 whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms  
6 or conditions of employment or of other mutual aid or protection in connection with employees.

7 (8) "National origin" includes ancestry.

8 (9) "Person" includes:

9 (a) One or more individuals, partnerships, associations, labor organizations, limited liability  
10 companies, joint stock companies, corporations, legal representatives, trustees, trustees in bank-  
11 ruptcy or receivers.

12 (b) A public body as defined in ORS 30.260.

13 (c) For purposes of ORS 659A.145 and 659A.421 and the application of any federal housing law,  
14 a fiduciary, mutual company, trust or unincorporated organization.

15 (10) "Respondent" means any person against whom a complaint or charge of an unlawful prac-  
16 tice is filed with the commissioner or whose name has been added to such complaint or charge  
17 pursuant to ORS 659A.835.

18 (11) "Unlawful employment practice" means a practice specifically denominated as an unlawful  
19 employment practice in this chapter. "Unlawful employment practice" includes a practice that is  
20 specifically denominated in another statute of this state as an unlawful employment practice and  
21 that is specifically made subject to enforcement under this chapter.

22 (12) "Unlawful practice" means any unlawful employment practice or any other practice specif-  
23 ically denominated as an unlawful practice in this chapter. "Unlawful practice" includes a practice  
24 that is specifically denominated in another statute of this state as an unlawful practice and that is  
25 specifically made subject to enforcement under this chapter, or a practice that violates a rule  
26 adopted by the commissioner for the enforcement of the provisions of this chapter.

27 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**  
28 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
29 **on its passage.**

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