

Testimony on HB 4162 to the House Business and Labor Committee
February 13, 2012

I have several concerns about HB 4162 as drafted:

1. The wording is ambiguous. "performing work for educational purposes" could mean either for educating others or for educating one's self. My understanding is that the intent of the bill is to cover interns. Let's say what we mean plainly, not ambiguously.
2. The reach of this bill is too broad, covering many more people than interns. The commonly understood definition of an intern is "an advanced student or graduate usually in a professional field (as medicine or teaching) gaining supervised practical experience (as in a hospital or classroom)."
[<http://http://www.merriam-webster.com/dictionary/intern>] Just call them interns in the bill. People understand what an intern is.
3. The bill tries to graft interns onto the legal definition of employees. It's confusing. Nobody believes interns have the same standing as employees. Go ahead and refer to prior protection language, but don't call them employees. Keep them separate.
4. The bill short-circuits the distinction between employees and independent contractors.
5. This bill covers mom-and-pop shops who would not think in terms of interns. It covers a father teaching his son a trade. Instead, you should limit the bill's scope to those organizations large enough to have an actual intern program.

My daughter teaches art at a private school where the students come for one day a week to take enrichment classes. She has a class this term which she has limited to only six students and the students must be taking the class for the first time. She gives individual instruction during the class and a prior student wanted to take it again so he could learn even more. She allowed him in on the condition that he would be a teaching assistant.

He would be considered an employee under this bill. He would be the only employee at the school, since all staff members are treated as independent contractors. I ask you, does that make sense?

Please send HB 4162 back for rework.

Thank you.

Rodger Williams

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