



Oregon

Bureau of Labor and Industries

Brad Avakian

Commissioner

MEASURE: HB 2669
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HB 2669
Business and Labor Committee
Hearing
April 3, 2013
Testimony of Marcia Ohlemiller
Legal Policy Advisor, BOLI

Chair and Members of the Committee:

Thank you for the opportunity to speak on behalf of HB 2669, which would extend certain employee protections to persons performing work for educational purposes, including interns and externs.

Introduction

Each school year many students, often young people with limited work experience, perform internships in workplaces to earn academic credits and to learn about careers in which they are interested, as well as appropriate professional conduct and good work habits. As an employer that has hosted numerous interns over many years, as well as being an agency responsible for enforcing worker protections, BOLI endeavors to provide each intern with a high quality educational experience, an understanding of their rights and responsibilities as members of the work force, and to treat them with dignity, respect and gratitude for the work they do.

Unfortunately, not all interns have a positive experience in their work placements. Some are targeted for disrespectful and even unlawful treatment because of factors like their youth and lack of understanding of appropriate workplace behavior. However, even though interns are exposed to the same work conditions and perform the same tasks as employees, neither federal nor state law currently provides them with the even the basic workplace protections granted to employees.

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HB 2669 would provide coverage for interns under ORS 659A.030 (discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status or age; discrimination in terms and conditions of employment, which includes harassment); 659A.082 (discrimination based on military service); 659A.112 and .109 (discrimination based on disability); 659A.136 (requiring medical exam or making medical inquiries not job related); 659A.199 (discrimination for reporting a violation of law); 659A.230 (discrimination for participation in legal proceedings); 659A.233 (discrimination for reporting unemployment violations); 659A.236 (discrimination for testifying before legislature); 659A.290 (discrimination based on being victim of domestic violence, sexual assault, harassment or stalking); 659A.300 (requiring invasive medical tests); 659A.303 (obtaining or using genetic information); 659A.306 (requiring to pay for medical exam as condition of continued employment); 659A.315 (restricting use of tobacco in nonworking hours).

HB 2668 would not provide rights for interns under Oregon Family Leave Act or any other leave laws. It would not create an employment relationship for interns for purposes of ORS chapter 652 (wage and hour laws, wage claims); chapter 653 (minimum wages; wage-related employment conditions, child labor laws); chapter 654 (occupational safety and health); chapter 656 (worker's compensation); chapter 659 (unemployment); chapter 658 (farm labor contractor law).

We understand there are concerns by some institutions of higher education that HB 2669 could be interpreted to hold the education institution that the intern attends, liable for violations rather than the employer for whom the intern performs work. It is the intent of BOLI that employers, including BOLI, for whom interns perform work, be held responsible for compliance with the laws specifically named in the bill. Oregon employers are already responsible for compliance with these same laws with respect to their employees.

We thank the Committee for its consideration of the legislation, which would afford basic protections to interns in Oregon's workplaces.