

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Barnhart, Berger, Dembrow, Hicks, Holvey, Hoyle, Kennemer, Garrett
Nays:	0
Exc.:	Jenson
Prepared By:	Erin Seiler, Administrator
Meeting Dates:	5/10

WHAT THE MEASURE DOES: Extends certain employee protections to persons performing work for educational purposes. Defines “intern.” Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Definition of intern
- Financial impact to Oregon University System
- Application to and impact on private business
- Federal definition and alignment
- Limited to unpaid internship
- Impact on insurance rates for businesses that utilize interns
- Extensions of civil rights workplace protection to interns
- Potential risks to university system or private business
- Value of real world experience interns receive
- Application to community colleges, independent universities, and high schools
- Liability assumed by business

EFFECT OF COMMITTEE AMENDMENT: Extends civil rights workplace protection to interns. Defines “intern” as person who performs work for employer for purpose of training if employer: is not committed to hire person performing the work at conclusion of training period; establishes agreement, in writing, that person performing work is not entitled to wages; and if work performed supplements training given in educational environment that may enhance employability of intern; provides experience for benefit of person performing work; does not displace regular employees; is performed under close supervision of existing staff; and provides no immediate advantage to employer providing training and may occasionally impede operations of employer.

BACKGROUND: Students interns are protected under state and federal wage and hour law, but they are not protected under employment-related anti-discrimination laws, protections under ORS Chapter 659A, and Title VII of the Civil Rights Act of 1964. Currently, workplace protections apply only to employees, but because student interns are not technically considered employees, specific protections are not provided in Oregon for interns. House Bill 2669 –A provides the following protections to student interns, whether they are paid, unpaid or receiving any other form of compensation or benefit for the work performed:

- 659A.030: Discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status or age prohibited.
- 659A.082: Discrimination based on military service.
- 659A.109, 659A.112, and 659A.142: Discrimination based on a disability.
- 659A.136: Medical examinations and inquiries of employees.
- 659A.199: Discrimination for reporting a violation of law.
- 659A.230: Discrimination for participating in a legal proceeding.
- 659A.233: Discrimination for reporting unemployment violation.
- 659A.236: Discrimination for testifying before Legislative Assembly.

5/13/2013 3:12:00 PM

This summary has not been adopted or officially endorsed by action of the committee.

- 659A.290: Discrimination based on being a victim of domestic violence, sexual assault, harassment or stalking.
- 659A.300: Requiring an invasive medical test.
- 659A.303: Obtaining or using genetic information.
- 659A.306: Requiring employee to pay for medical exam as a condition of employment.
- 659A.315: Restricting use of tobacco in nonworking hours.

The measure does not provide rights under the Oregon Family Leave Act or any other leave laws. It also does not create an employment relationship for purposes of wage and hour laws, minimum wage, wage-related employment conditions, child labor laws, occupational safety and health laws, workers' compensation, unemployment, or farm labor contractor law.