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TO: Chair Holvey
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FR: Jess Giannettino Villatoro, Political Director, Oregon AFL-CIO

RE: Opposition to HB 4093

The Oregon AFL-CIO represents 300,000 workers across Oregon and is a voice for all workers in the legislative process. In our role as a worker advocate we cannot overlook attempts to exempt types of workers or players from the pathway to prove whether they are employees. For this reason, we are opposed to HB 4093.

The issue we raise before this committee is not calling into question the status of the Winterhawks as amateur athletes or employees. But rather urging the committee to not take away the avenue other players in the league have used to challenge their treatment and state that they should be considered employees. HB 4093 would exempt these players from wage and hour protections and therefore take away their ability to go through the legal avenue currently provided to all workers not classified as employees to challenge their employment structure. In the era of the “gig economy” and alternate employment structures its critical that the state not preempt a worker’s ability to appeal their employment structure.

We applaud the work of this legislature and specifically this committee in recent policy victories to ensure all workers have a fair shot. Some of those wins included minimum wage and paid sick days. Oregon stands out among others for not exempting youth employment or types of employers. HB 4093 is a dangerous step backward, into saying that certain types of work or youth don’t qualify for the same benefits as others.

Lastly, in section seven of the base bill you will see an exemption from workers compensation. According to the National Center for Catastrophic Injury Research housed at the University of North Carolina *The number of ice hockey injuries is low, but the injury rate per 100,000 participants is high when compared to other sports (direct rate of injury per 100,000 participants is 2.97 high school and 9.23 college). Ice hockey catastrophic injuries usually occur when an athlete is struck from behind by an opponent, slides across the ice in a prone position, and makes contact with the crown of his/her head and the boards surrounding the rink. The results are usually fractured cervical vertebrae with paralysis.*¹

For these reasons, we are respectfully urging a no vote on HB 4093.

¹ https://nccsir.unc.edu/files/2014/06/NCCSIR-30th-Annual-All-Sport-Report-1982_2012.pdf Page 20