

## **HB 4093 -1, -2 STAFF MEASURE SUMMARY**

### **House Committee On Business and Labor**

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**Meeting Dates:** 2/12, 2/14

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#### **WHAT THE MEASURE DOES:**

Specifies that an amateur athlete who plays for a junior hockey team is not an employee for purposes for purposes of workers' compensation insurance, unemployment insurance, minimum wage, and other employment-related provisions when playing for the team.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 Creates definition for amateur athlete. Deletes all reference in original measure to players of junior ice hockey team and instead exempts amateur athletes as defined in this Act.

Requires amateur sports organization to annually send report to Department of Consumer and Business Services that includes contact information for regional, national and international certifying authority that has certified the organization as an amateur sports organization as well as roster listing contact information for each team, league, club and association affiliated with or governed by the organization.

-2 Creates definition for amateur athlete that includes reference to individual's involvement in amateur sports activities, events or competitions for a team, league, club or association included in the report made available by Department of Consumer and Business Services (DCBS). Deletes all reference in original measure to players of junior ice hockey team and instead exempts amateur athletes as defined in this Act.

Requires amateur sports organization to annually send report to DCBS that includes contact information for regional, national and international certifying authority that has certified the organization as an amateur sports organization as well as roster listing contact information for each team, league, club and association affiliated with or governed by the organization.

##### **BACKGROUND:**

Players on the Portland Winterhawks hockey team have traditionally been exempt from workers' compensation requirements just as K-12 student athletes, college athletes and adult league participants are exempt. The employment status of these hockey players has recently been questioned. The Winterhawks are in the Western Hockey League, which is a member of the Canadian Hockey League. A class action lawsuit has been filed alleging that players in the Canadian Hockey League, including those who play for the Winterhawks, are employees and subject to employment laws.

Current Oregon statute provides an exemption from workers' compensation insurance requirements for individuals who have been declared an amateur athlete under the rules of the U.S. Olympic Committee (USOC) or Canadian Olympic Committee (COC) and if they receive no remuneration other than room, board, rent, housing, lodging, or other reasonable incidental subsistence allowance.

House Bill 4093 clarifies in certain employment-related statutes that an individual is exempt if they are an amateur athlete who is at least 16 but not older than 21 and who plays on a junior ice hockey team, as defined in statute,

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when they are playing for the team. The measure exempts these individuals from the statutory provisions on pay equity, wage claims, minimum wage, minimum employment conditions, employment of minors, workers' compensation insurance, and unemployment insurance.