

HB 4093 A STAFF MEASURE SUMMARY

Carrier: Rep. Malstrom

House Committee On Business and Labor

Action Date: 02/14/18

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-3-0-0

Yeas: 8 - Barreto, Boles, Bynum, Doherty, Evans, Heard, Kennemer, Wilson

Nays: 3 - Fahey, Holvey, Piluso

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

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WHAT THE MEASURE DOES:

Exempts amateur athlete from workers' compensation insurance coverage, unemployment insurance, minimum wage, and other employment-related provisions when actively training or conditioning for, or participating in, amateur sports activities, events, or competitions. Creates definition of "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 to Department of Consumer and Business Services (DCBS). 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.

ISSUES DISCUSSED:

- Western Hockey League structure and status
- Scholarships and training provided to amateur athletes
- Protections afforded to employees
- Current class action lawsuits filed by players claiming they are employees
- Portland Winterhawks' inability to afford to pay players minimum wage
- For-profit status of Winterhawks

EFFECT OF AMENDMENT:

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

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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 or Canadian Olympic Committee, provided they receive no remuneration other than room, board, rent, housing, lodging, or other reasonable incidental subsistence allowance.

House Bill 4093-A exempts amateur athletes from statutory provisions on pay equity, wage claims, minimum wage, minimum employment conditions, employment of minors, workers' compensation insurance, and unemployment insurance.