

A-Engrossed
House Bill 3307

Ordered by the House April 3
Including House Amendments dated April 3

Sponsored by Representatives HOLVEY, GRAYBER, LIVELY, RUIZ; Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that individuals who participate in certain on-the-job training programs are entitled to certain rights and protections concerning civil rights, discrimination and harassment as employees in employment relationship with employer. Provides that for purposes of such protection, individual is considered to be in employment relationship with employer that sponsors or provides training under on-the-job training program.

A BILL FOR AN ACT

1
2 Relating to workplace civil rights protections for participants in certain on-the-job training pro-
3 grams.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 660.002 to**
6 **660.210.**

7 **SECTION 2. (1) As used in this section:**

8 **(a) Notwithstanding ORS 660.010, "employer" means a person that employs or engages**
9 **the services of an individual, that reserves the right to control the means by which such**
10 **services are or will be performed and that sponsors or agrees to provide training under an**
11 **on-the-job training program described in this section.**

12 **(b)(A) "On-the-job training program" means a private sector training program that pro-**
13 **vides individuals who participate in the program with job-specific skills training necessary**
14 **for obtaining employment in a skilled trade.**

15 **(B) "On-the-job training program" does not include an on-the-job training program ad-**
16 **ministered or operated by the Department of Corrections or Oregon Corrections Enterprises.**

17 **(2) An individual who participates in an on-the-job training program or in a registered**
18 **apprenticeship program shall be considered to be in an employment relationship with the**
19 **employer for the purposes of protections provided under ORS chapter 659A concerning civil**
20 **rights, discrimination and harassment in the workplace and shall be entitled to the same**
21 **rights and privileges with respect to such protections as are granted to employees under that**
22 **chapter.**

23 **(3) Nothing in subsection (2) of this section creates an employment relationship between**
24 **an individual who participates in an on-the-job training program or registered apprenticeship**
25 **program and the employer for the purposes of ORS chapter 652, 653, 654, 656, 657 or 658 or**
26 **for any leave entitlements that may be available to employees under ORS 659A.150 to**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **659A.186.**

2 (4) This section applies to on-the-job training programs that meet the following criteria:

3 (a) The training provided under the program is for a limited duration of time that has
4 been agreed upon by the individual participating in the program and the employer.

5 (b) As part of the program, the employer provides paid work experience to the individuals
6 participating in the program at an agreed-upon rate.

7 (c) The program does not require that, upon an individual's successful completion of the
8 program, the employer commit to hiring the individual as an employee.

9 (d) The program does not require or permit, as a term or condition of the program, that
10 the employer and the individual participating in the program enter into a contract for em-
11 ployment.

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