

Enrolled
House Bill 3307

Sponsored by Representatives HOLVEY, GRAYBER, LIVELY, RUIZ; Representatives DEXTER, EVANS, FAHEY, KROPP

CHAPTER

AN ACT

Relating to workplace civil rights protections for participants in certain on-the-job training programs.

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

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

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

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

(b)(A) “On-the-job training program” means a private sector training program that provides individuals who participate in the program with job-specific skills training necessary for obtaining employment in a skilled trade.

(B) “On-the-job training program” does not include an on-the-job training program administered or operated by the Department of Corrections or Oregon Corrections Enterprises.

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

(3) Nothing in subsection (2) of this section creates an employment relationship between an individual who participates in an on-the-job training program or registered apprenticeship program and the employer for the purposes of ORS chapter 652, 653, 654, 656, 657 or 658 or for any leave entitlements that may be available to employees under ORS 659A.150 to 659A.186.

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

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

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

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

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

Passed by House April 12, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate May 2, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

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Secretary of State