

# House Bill 3550

Sponsored by Representative GRAYBER, Senator SOLLMAN

## 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act exempts certain sports players from some state laws about working conditions. (Flesch Readability Score: 63.4).

Exempts from certain laws governing certain employment conditions minor league baseball players who are subject to a collective bargaining agreement that provides for payment of wages and other working conditions.

## A BILL FOR AN ACT

1  
2 Relating to an exemption for certain minor league baseball players from certain laws governing  
3 employment conditions; amending ORS 653.020.

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

5 **SECTION 1.** ORS 653.020 is amended to read:

6 653.020. ORS 653.010 to 653.261 do not apply to any of the following employees:

7 (1) An individual employed in agriculture if:

8 (a) Such individual is employed as a hand harvest or pruning laborer and is paid on a piece-rate  
9 basis in an operation which has been, and is customarily and generally recognized as having been,  
10 paid on a piece-rate basis in the region of employment and is employed by an employer who did not,  
11 during any calendar quarter during the preceding year, use more than 500 piece-rate-work-days of  
12 agricultural labor;

13 (b) Such individual is the parent, spouse, child or other member of the employer's immediate  
14 family;

15 (c) Such individual:

16 (A) Is employed as a hand harvest or pruning laborer and is paid on a piece-rate basis in an  
17 operation which has been, and is customarily and generally recognized as having been, paid on a  
18 piece-rate basis in the region of employment;

19 (B) Commutes daily from a permanent residence to the farm on which the individual is so em-  
20 ployed; and

21 (C) Has been employed in agricultural labor less than 13 weeks during the preceding calendar  
22 year;

23 (d) Such individual, other than an individual described in paragraph (c) of this subsection:

24 (A) Is 16 years of age or under and is employed as a hand harvest laborer, is paid on a piece-rate  
25 basis in an operation which has been, and is customarily and generally recognized as having been,  
26 paid on a piece-rate basis in the region of employment; and

27 (B) Is paid at the same piece-rate as employees over 16 years of age on the same farm; or

28 (e) Such employee is principally engaged in the range production of livestock and earns a salary  
29 and is paid on a salary basis.

**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 (2) An individual employed in domestic service on a casual basis in or about a family home.
- 2 (3) An individual engaged in administrative, executive or professional work who:
  - 3 (a) Performs predominantly intellectual, managerial or creative tasks;
  - 4 (b) Exercises discretion and independent judgment; and
  - 5 (c) Earns a salary and is paid on a salary basis.
- 6 (4) An individual employed by the United States.
- 7 (5) An individual who is employed by an institution whose function is primary or secondary ed-  
8 ucation, and in which the individual is an enrolled student.
- 9 (6) An individual engaged in the capacity of an outside salesperson or taxicab operator.
- 10 (7) An individual domiciled at a place of employment for the purpose of being available for  
11 emergency or occasional duties for time other than that spent performing these duties, provided that  
12 when the individual performs emergency or occasional duties, the individual must be paid no less  
13 than the wage specified in ORS 653.025.
- 14 (8) An individual paid for specified hours of employment, the only purpose of which is to be  
15 available for recall to duty.
- 16 (9) An individual domiciled at multiunit accommodations designed to provide other people with  
17 temporary or permanent lodging, for the purpose of maintenance, management or assisting in the  
18 management of same.
- 19 (10) An individual employed on a seasonal basis at:
  - 20 (a) An organized camp operated for profit that generates gross annual income of less than  
21 \$500,000; or
  - 22 (b) A nonprofit organized camp.
- 23 (11) An individual employed at a nonprofit conference ground or center operated for educational,  
24 charitable or religious purposes.
- 25 (12) An individual who performs services as a volunteer firefighter, as defined in ORS 652.050.
- 26 (13) An individual who performs child care services in the home of the individual or in the home  
27 of the child.
- 28 (14) An individual employed in domestic service employment in or about a family home to pro-  
29 vide companionship services for individuals who, because of age or infirmity, are unable to care for  
30 themselves.
- 31 (15) An individual who performs service as a caddy at a golf course in an established program  
32 for the training and supervision of caddies under the direction of a person who is an employee of  
33 the golf course.
- 34 (16) An individual who volunteers as a golf course marshal if:
  - 35 (a) The services the individual provides are limited to monitoring starting times and speed of  
36 play and informing golfers of golf course etiquette;
  - 37 (b) The individual is not allowed to provide volunteer golf course marshal services for more than  
38 30 hours in a calendar week; and
  - 39 (c) The individual receives no wage other than golf passes for providing the volunteer golf  
40 course marshal services.
- 41 (17) An individual employed as a resident manager by an adult foster home that is licensed  
42 pursuant to ORS 443.705 to 443.825 and who is domiciled at the adult foster home.
- 43 (18) An individual residing in a mobile home park or manufactured dwelling park designed to  
44 provide other people with temporary or permanent lodging, for the purpose of maintenance, man-  
45 agement or in assisting in the management of same.

1 (19) An individual who volunteers as a campground host and who resides in a campground  
2 owned by a public agency that provides temporary accommodations for travelers, whether under  
3 public or private management, and who provides information and emergency assistance.

4 (20) An individual who:

5 (a) Is registered with the National Ski Patrol or a similar nonprofit ski patrol organization as  
6 a nonprofessional ski patroller and who receives no wage other than passes authorizing access to  
7 and use of a ski area, as defined in ORS 30.970, for performing ski patrol services, including but not  
8 limited to services related to preserving the safety of and providing information to skiers or  
9 snowboarders; or

10 (b) Receives no wage other than passes authorizing access to and use of a ski area, as defined  
11 in ORS 30.970, for performing services directly related to the organizing or conducting of skiing or  
12 snowboarding races or other similar competitions that are:

13 (A) Sponsored and organized by a nonprofit corporation, as defined in ORS 65.001; and

14 (B) Held in a ski area, as defined in ORS 30.970.

15 **(21) An individual who has entered into a contract to play minor league baseball for a**  
16 **professional sports organization and who is subject to a collective bargaining agreement, the**  
17 **terms of which provide for the payment of wages and working conditions.**

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