

SENATE COMMITTEE ON LABOR

May 20, 1991 Hearing Room 50 3:00 p.m. Tapes 118 -119
MEMBERS PRESENT: SEN. GRATTAN KERANS, CHAIR SEN. LARRY HILL,
VICE-CHAIR SEN. PETER BROCKMAN SEN. BOB KINTIGH SEN. BOB SHOEMAKER STAFF
PRESENT: ANNETTE TALBOTT, COMMITTEE COUNSEL ROBERTA WHITE, COMMITTEE
ASSISTANT MEASURES CONSIDERED: HB 2433 - TRANSFERS
RESPONSIBILITY FOR ADMINISTRATION OF SAFETY CONSULTATIVE SERVICES
UNDER WORKERS' COMPENSATION LAW TO OREGON SAFE EMPLOYMENT ACT HB 2474 -
EXPANDS DEFINITION OF DOMESTIC SERVANT, AS WORKERS NOT SUBJECT TO
WORKERS' COMPENSATION LAWS, TO INCLUDE HOME HEALTH CARE WORKERS ON
PRIVATE EMPLOYMENT CONTRACTS HB 2539 - REPEALS CONTINUING EDUCATION
PROGRAM REQUIREMENT FOR MEDICAL SERVICE PROVIDERS UNDER WORKERS'
COMPENSATION LAW SB 834 - PROHIBITS USE OF HANDWRITING ANALYSIS FOR
EMPLOYEE OR PROSPECTIVE EMPLOYEE WITHOUT GIVING PRIOR NOTICE THEREOF TO
INDIVIDUAL

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 118, SIDE A

001 CHAIR KERANS: Calls the hearing to order. (3:16 p.m.) PUBLIC
HEARING ON HB 2433 - TRANSFERS RESPONSIBILITY FOR ADMINISTRATION OF
SAFETY CONSULTATIVE SERVICES UNDER WORKERS' COMPENSATION LAW TO OREGON
SAFE EMPLOYMENT ACT WITNESSES: Jack Pompei, Administrator, Oregon-OSHA,
Department of Insurance and Finance, (DIF)

011 JACKPOMPEI, ADMINISTRATOR, OREGON-OSHA, DEPARTMENT OF INSURANCE
AND FINANCE, (DIF): Testifies in support of HB 2433.

· This bill transfers what we are doing now to the Oregon Safe
Employment Act Rule 654.

ANNETTE TALBOTT, COMMITTEE COUNSEL: This would codify your current
practice? Senate Committee on Labor May 20, 1991 - Page 2

POMPEI: That is correct. 050 SENATOR KINTIGH: On page 2, what is
defined in the ORS section cited?

TALBOTT: That is section 1 now. 093 MOTION: CHAIR KERANS MOVES
THE AMENDMENT TO HB 2433. - (EXHIBIT A) 094 VOTE:
HEARING NO OBJECTION, THE MOTION CARRIES. 095 MOTION: CHAIR KERANS
MOVES HB 2433 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.
096 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

PUBLIC HEARING ON HB 2474 - EXPANDS DEFINITION OF DOMESTIC SERVANT. AS
WORKERS NOT SUBJECT TO WORKERS' COMPENSATION LAWS. TO INCLUDE HOME
HEALTH CARE WORKERS ON PRIVATE EMPLOYMENT CONTRACTS WITNESSES: James
Seymour, Oregon Association of Youth and Family Programs/oregon
Conference of Private Child Caring Agencies Toni Peterson, Assistant
Administrator, Children's Services Division Steve Wisnovsky, Oregon
Country Fair Jim Craven, Oregon Advocates for the Arts Arna Shaw,
General Manager, Country Fair Patrick Gallagher, Underwriting Section,
State Accident Insurance Fund, (SAIF) RCA Moore, Oregon Trial Lawyers
Association & Oregon Workers' Compensation Attorneys 115 ANNETTE
TALBOTT, COMMITTEE COUNSEL: Outlines the bill as amended, (EXHIBIT B).

141 JAMES SEYMOUR, OREGON ASSOCIATION OF YOUTH AND FAMILY PROGRAMS/OREGON CONFERENCE OF PRIVATE CHILD CARING AGENCIES: Submits written testimony, (EXHIBIT C). · Outlines (Exhibit C).

190 TONI PETERSON, ASSISTANT ADMINISTRATOR, CHILDREN'S SERVICES DIVISION: Submits written testimony, (EXHIBIT D). · Outlines the amendment to HB 2474 (Exhibit D). 247 STEVE WISNOVSKY, VOLUNTEER LOBBYIST, OREGON COUNTRY FAIR: Submits written testimony, (EXHIBIT E). · Testifies in support of HB 2474.

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305 CHAIR KERANS: How is "nominal fee" or "nominal reimbursement" defined? WISNOVSKY: In terms of lodging, volunteers camp on site and are provided food vouchers for every hour worked; we do have a kitchen set up for 2 to 3 weeks before the fair where volunteers can eat. ,
365 JIM CRAVEN, OREGON ADVOCATES FOR THE ARTS: Testifies in support of HB 247 4.

CHAIR KERANS: How are employees treated by the Employment Division? 421 ARNA SHAW, GENERAL MANAGER, COUNTRY FAIR: We consider them volunteer and they consider themselves volunteers. 444 PATRICK GALLAGHER, UNDERWRITING SECTION, STATE ACCIDENT INSURANCE FUND, (SAIF): We have no objection to an exemption for a volunteer but we are concerned by the fact that no matter where you draw the line, someone will be on the wrong side of the line. · Adding the Country Fair creates a new category, because it does not fall under existing definitions.
476 GALLAGHER: We would propose that if you moved the word volunteer in the statute, starting with the beginning of the exemption in subsection 10; insert "primarily" after "services".

TAPE 119, SIDE A

039 GALLAGHER: Reads sentence as amended.

068 CHAIR KERANS: It is my intention to strike "stipend" and the use of the word primarily also raises questions.

· The use of "primarily" also raises questions, so we'll work on this.
073 SENATOR SHOEMAKER: What if they do not receive board or lodging but does receive a nominal reimbursement? GALLAGHER: Anything of value that isn't excluded is enumeration. 110 R.C.A. MOORE, OREGON TRIAL LAWYERS ASSOCIATION/OREGON WORKERS' COMPENSATION ATTORNEYS: Suggests further amendments to simplify and clarify. · Testifies in opposition to exempting news paper carriers; we would prefer no exemptions.

WORK SESSION ON SB 834 - PROHIBITS USE OF HANDWRITING ANALYSIS FOR EMPLOYEE OR PROSPECTIVE EMPLOYEE WITHOUT GIVING PRIOR NOTICE THEREOF TO INDIVIDUAL

160 MOTION: SENATOR SHOEMAKER MOVES TO TABLE SB 834.

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20, 1991 - Page 4 168 VOTE: IN A ROLL CALL VOTE OF 5-0, THE MOTION TO TABLE SB 834 IS CARRIED PUBLIC HEARING ON HB 2539 - REPEALS CONTINUING EDUCATION PROGRAM REQUIREMENT FOR MEDICAL SERVICE PROVIDERS UNDER WORKERS' COMPENSATION LAW WITNESSES: Scott Allen, Oregon Medical Association Bruce Bishop, Kaiser Permanente

190 SCOTT ALLEN, OREGON MEDICAL ASSOCIATION: Testifies in support of HB 2539.

. The bill eliminates the requirement that providers under the Workers' Compensation System have to go through a program designed and produced by private associations on what is called "continuing education".

211 BRUCE BISHOP, KAISER PERMANENTE: Testifies in support of HB 2539.

WORK SESSION ON HB 2539

228 MOTION: SENATOR HILL MOVES HB 2539 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. 255 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 288 CHAIR KERANS: We are adjourned. (4:03 p.m.)

Submitted by: Reviewed by: Roberta White Annette Talbott
Assistant Committee Counsel

EXHIBIT LOG:

A - HB 2433: Proposed amendments submitted by staff, pp 3 B - HB 2474: Proposed amendments submitted by staff, pp 4 C - HB 2474: Written testimony submitted by SEYMOUR, pp 92 D - HB 2474: Written testimony submitted by PETERSON, pp 2 E - HB 2474: Written testimony submitted by WISNOVSKY, pp 2 F - HB 2433, 2474 & 2539 SMS's submitted by staff, pp 3

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