

SENATE COMMITTEE ON LABOR

May 29, 1991 Hearing Room 50 3:00 p.m. Tapes 126- 127

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 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
2084 - ESTABLISHES STATE UNEMPLOYMENT COMPENSATION BENEFIT RESERVE FUND
TO PAY UNEMPLOYMENT COMPENSATION BENEFITS AND ADMINISTRATIVE EXPENSES IF
UNEMPLOYMENT COMPENSATION TRUST FUND BALANCE LAPSES HB 2472 - AUTHORIZES
PREVAILING PARTY TO RECOVER ATTORNEY FEES AND COSTS IN ACTION TO COLLECT
DELINQUENT UNEMPLOYMENT COMPENSATION TAXES HB 2644 - AUTHORIZES STATE
PAYROLL OFFICER TO DEDUCT DESIGNATED AMOUNTS FROM SALARY AND WAGES OF
CERTAIN FOOTBALL COACHES FOR PURPOSES OF CONTRIBUTIONS TO A QUALIFIED
FOOTBALL COACHES PLAN HB 2532 - EXEMPTS SEASONAL EMPLOYEES AT CERTAIN
CAMPS FROM MINIMUM WAGE AND OVERTIME LAWS, REGARDLESS OF INCOME
GENERATED BY CAMP .

TAPE 126, SIDE A

001 CHAIRKERANS: Calls the meeting to order. (3:10 p.m.)

PUBLIC HEARING ON HB 2644 - AUTHORIZES STATE PAYROLL OFFICER TO DEDUCT
DESIGNATED AMOUNTS FROM SALARY AND WAGES OF CERTAIN FOOTBALL COACHES FOR
PURPOSES OF CONTRIBUTIONS TO A QUALIFIED FOOTBALL COACHES PLAN Senate
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WITNESSES: Ron Anderson, Higher Education Bill Byrne, University of
Oregon 018 RON ANDERSON, CHANCELLORS OFFICE, HIGHER EDUCATION,
PERSONNEL DIVISION: Testifies in support of HB 2644. · This is a
voluntary plan that would enable 46 coaches in our system to participate
in a national retirement plan. 026 BILL BYRNE, DIRECTOR OF ATHLETICS,
UNIVERSITY OF OREGON: Testifies in support of HB 2644. · Coaches do have
a short employment tenure on the average and this bill would allow them
to carry their own compensation and retirement with them. 045 SENATOR
KINTIGH: Can't they put this in themselves? ANDERSON: At this time it is
not possible; it is necessary for the department to enter into a
contract with the coaches and that provides the tax advantage.

WORK SESSION ON HB 2644 - AUTHORIZES STATE PAYROLL OFFICER TO DEDUCT
DESIGNATED AMOUNTS FROM SALARY AND WAGES OF CERTAIN FOOTBALL COACHES FOR
PURPOSES OF CONTRIBUTIONS TO A QUALIFIED FOOTBALL COACHES PLAN

056 MOTION: SENATOR BROCKMAN MOVES THE BILL TO THE FLOOR WITH A "DO
PASS" RECOMMENDATION. 057 VOTE: HEARING NO OBJECTION, THE MOTION
CARRIES. MEMBERS EXCUSED: SENATORS HILL AND SHOEMAKER

PUBLIC HEARING ON HB 2084 - ESTABLISHES STATE UNEMPLOYMENT COMPENSATION
BENEFIT RESERVE FUND TO PAY UNEMPLOYMENT COMPENSATION BENEFITS AND
ADMINISTRATIVE EXPENSES IF UNEMPLOYMENT COMPENSATION TRUST FUND BALANCE
LAPSES

WITNESSES: Pamela Mattson, Administrator, Employment Division

069 PAMELA MATTSON, ADMINISTRATOR, EMPLOYMENT DIVISION: Submits written
testimony, (EXHIBIT A) and test)ifies in support of HB 2084.

· Details (Exhibit A).

· Outlines the amendments introduced to the bill, (Exhibit A). 170
SENATOR BROCKMAN: Why do you have to have a separate fund; why can't you draw from the fund in place?

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. Senate Committee on Labor May 29, 1991 - Page 3

MATTSON: Presently contributions made by employers are received by the Department of Revenue in Oregon, transferred to the US Treasury and then we draw against them as we pay benefits.

· This \$200 million dollars will stay in Oregon.

PUBLIC HEARING ON HB 2472 - AUTHORIZES PREVAILING PARTY TO RECOVER ATTORNEY FEES AND COSTS IN ACTION TO COLLECT DELINQUENT UNEMPLOYMENT COMPENSATION TAXES

WITNESSES: Donna Hunter, Tax Manager, Employment Division

215 DONNA HUNTER, TAX MANAGER, EMPLOYMENT DIVISION: Submits written testimony in support of HB 2472, (EXHIBIT B).

· Details (Exhibit B).

PUBLIC HEARING ON HB 2532 - EXEMPTS SEASONAL EMPLOYEES AT CERTAIN CAMPS FROM MINIMUM WAGE AND OVERTIME LAWS. REGARDLESS OF INCOME GENERATED BY CAMP Witnesses: Leslie Thompson, President, American Camping Association, Oregon Trails Section & Camp Administrator, Portland Area Council of Campfire Jerry Dempsey, Scout Executive, Oregon Trail Council, Boy Scouts of America Mariam Callahan, YWCA, Camp Westwind Edie Jones, Camp Tamarack Betty Roberts, Former Supreme Court Justice, Camp Tamarack Paula Riveras, Senior, Western Oregon State College Frank "Scotty" Washburn, Former President, American Camping Association Charles Morris, Legislative Liaison, Christian Camping International, (CCI) Irv Fletcher, Oregon AFL CIO

289 LESLIE THOMPSON, PRESIDENT, AMERICAN CAMPING ASSOCIATION, OREGON TRAILS SECTION & CAMP ADMINISTRATOR, PORTLAND AREA COUNCIL OF CAMPFIRE: Describes organization and the benefits to those who join. 345 JERRY DEMPSEY, SCOUT EXECUTIVE, OREGON TRAIL COUNCIL, BOY SCOUTS OF AMERICA: Testifies in support of SB 2532. · Describes organization and benefits of participating. 415 MARIAM CALLAHAN, YWCA, CAMP WESTWIND: Describes program.

· Testifies in support of SB 2532.

TAPE 127, SIDE A

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with them to hire counselors. - 448 SENATOR KINTIGH: Do college

students get credits for doing this? THOMPSON: The majority come for the camp experience; a lot of staff want to be teachers and they need to work with kids for approximately 100 hours to get into the education program.

· Many colleges will grant staff credit for time and experience.

488 PAULA RIVERAS, SENIOR, WESTERN OREGON STATE COLLEGE: Testifies in support of SB 2532.

· Without the camp experience it is difficult to get into the education program as they want to make sure that there is experience and skills for working with children.

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047 RIVERAS: Camp allows us to realize if this is what we want to do; we learn about the children and ourselves.

· When we go to camp we know what we will make and we know our job; none of us are in this for the money, but for the experience. 072 FRANK "SCOTTY" WASHBURN, FORMER PRESIDENT, AMERICAN CAMPING ASSOCIATION: Submits written testimony and informative material in support of SB 2532, (EXHIBIT D). · Addresses the issue of minimum wage and its impact on camps. 123 CHARLES MORRIS, LEGISLATIVE LIAISON, CHRISTIAN CAMPING INTERNATIONAL, (CCI): Testifies in support of SB 2532. · Even though most of our camps will not be affected, we are in support of the bill because it makes good sense. · There are others than counselors that will be affected such as the youth and adults that work in dish washing rooms or cleaning and all want to be a part of this. 162 MORRIS: Some camps will have to cease operation because of the minimum wage; for those who continue, either the rates will go up or they will get additional income from other organizations. 170 IRVING FLETCHER, OREGON AFL-CIO: Our opposition is conditional on some questions being answered for us. · What about the recreational and athletic camps; are they excluded? SENATOR HILL: It appears they are included, if they are organized; this does raise the question .

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of "what is an organized camp"?

FLETCHER: Are they profit or non-profit?

CHAIR KERANS: We will answer those questions.

FLETCHER: We have a problem asking for an exclusion from the minimum wage for those kinds of camps. CHAIR KERANS: The words "organized camp" is meant to clarify or extend the lack of a cap under line 11; that is my understanding.

281 WASHBURN: I did find the definition of organized camp"; 918-650-005, Secretary of State's Office, administrative rules: · "Organizational camp means: Any area designated by the person establishing, operating, managing or maintaining the same as being for recreational use by groups or organizations. Organizational camp includes but is not limited to youth camps, scout camps, summer camps, day camps, nature camps, survival camps, athletic camps or camps operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service

organizations." 305 SENATOR SHOEMAKER: Is it intended that for-profit camps be exempt from the minimum wage law? WASHB URN: The bill separates profit from non-profit and increases the threshold for profit camps to \$500,000; those were house amendments.

WORK SESSION 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

360 CHAIR KERANS: We have an amendment to delete 656.070.

MOTION: SENATOR HILL moves to table the suggestion.

VOTE: Hearing no objection the motion carries. 390 ANNETTE TALBOTT, COMMITTEE ADMINISTRATOR: The amendment being distributed was submitted by non-profit groups interested in expanding the current sub 10 of ORS 656.027 in regards to non subject workers to include non-profit organizations, stating that they can provide meals or lodging, (EXHIBIT F). We need to be clear that this does add non-profits generally and clarifies the issue of what kinds of things can be received by these volunteers. 453 TALBOTT: "Nominal reimbursement" is in statute.

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488 MOTION: CHAIR KERANS MOVES THE AMENDMENT DATED MAY 29, 1991 TO SB 2474.

494 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

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CHAIR KERANS: SENATOR KINTIGH is excused but indicated that he has no objection.

041 MOTION: SENATOR SHOEMAKER MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. 062 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. MEMBERS EXCUSED: SENATOR BROCKMAN & KINTIGH 066 CHAIR KERANS: The meeting is adjourned. (4:36 p.m.)

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

EXHIBIT LOG:

A - HB 2084: Written testimony submitted by Mattson, pp 7 B - HB 2472: Written testimony submitted by Hunter, pp 1 C - HB 2532: Written testimony and informative material submitted by Jones, pp 4 D - HB 2532: Written testimony submitted by WasHB urn, pp 7 E - Informational: ORS 701.030 submitted by staff, pp 1 F - HB 2474: Proposed amendment submitted by staff, pp 1 G - HB 2644, 2084 & 2532: SMS's submitted by staff, pp 3 H - HB 2084 & 2644: Fiscal impact & revenue impact statements submitted by staff, pp 2

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