

HOUSE BILL REPORT

ESSB 6293

As Reported by House Committee On:
Labor & Workplace Standards

Title: An act relating to student volunteers and unpaid students.

Brief Description: Addressing student volunteers and unpaid students.

Sponsors: Senate Committee on Commerce & Labor (originally sponsored by Senators Braun, Bailey, Rivers, Conway and Sheldon).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/23/16, 2/25/16 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended by Committee)**

- Allows an employer to obtain medical aid coverage for the employer's student volunteers and unpaid students, who are enrolled in public or private institutions of higher education.
- Allows an employer providing medical aid coverage to its volunteers or unpaid students to pay premiums at the rate due for 100 hours of volunteer service for each volunteer or unpaid student.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass as amended. Signed by 7 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Moeller, Ormsby and Smith.

Staff: Trudes Tango (786-7384).

Background:

State agencies, cities, counties, special districts, other political subdivisions, and nonprofit charitable organizations may use volunteers to perform assigned or authorized duties. Volunteers are not employees for purposes of industrial insurance; however, state agencies

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are required to provide medical aid coverage for volunteers. Local governments and other entities authorized to use volunteers may elect to provide medical aid coverage. Medical aid coverage does not include other benefits of workers' compensation, such as wage replacement.

A student volunteer is a student enrolled in a public school, grades K-12, who is participating as a volunteer under a program authorized by the public school. The student may not earn wages, but may receive reimbursement for actual expenses. Employers using student volunteers may elect to provide medical aid coverage for student volunteers. The employer must have given notice of its intent to provide coverage to the Department of Labor and Industries prior to any injury or occupational disease. State-fund employers pay the premiums, and self-insured employers agree to pay the costs of a qualifying claim filed by the student volunteer. The employer must maintain records of all hours of work performed by the student volunteers.

Summary of Amended Bill:

Student volunteers includes students enrolled in a public or private institution of higher education. In addition, the category of "unpaid student" is created. An "unpaid student" is one enrolled in a public or private institution of higher education, who is participating in an unpaid work-based learning program authorized by the school. The unpaid student must be receiving credit towards completing the school program, certification, or degree in return for the services provided. Unpaid work-based learning includes cooperative education, clinical experiences, and internship programs. An employer may obtain medical aid coverage for unpaid students in the same manner the employer obtains medical aid coverage for student volunteers.

Employers providing medical aid coverage for volunteers or unpaid students may choose to pay premiums and assessments at the rate due for 100 hours of volunteer service for each volunteer or unpaid student, rather than tracking the actual number of hours for each volunteer or unpaid student. An employer choosing this option must use this method to cover all the employer's volunteers or unpaid students for the calendar year.

Amended Bill Compared to Engrossed Substitute Bill:

The amended bill adds private institutions of higher education (not just public) and applies the alternative method of calculating premium rates to unpaid students (not just volunteers).

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will result in more internship opportunities for students. Currently, a for-profit business does not have the option to offer medical aid to unpaid interns. Small and midsize businesses, in particular, want to use interns but do not have the resources to pay them and are hesitant to have unpaid interns because of the risk of injury. Internships are important because they give students real life experiences, where they can apply what they learned in school. Some applied baccalaureate degree programs at community and technical colleges require that the student do an internship in order to graduate.

(Opposed) None.

(Other) Private schools were inadvertently left out of the bill. Also, unpaid students should be included in the amendment allowing alternative reporting of 100 hours. A caution is that the alternative reporting may result in an increased rate from the current rate for volunteers of about 7 cents per hour. The rate and the risk are disconnected.

Persons Testifying: (In support) Senator Braun, prime sponsor; Anna Nikolaeva, State Board for Community and Technical Colleges; John Martens and Larry McGee, Centralia College; and Sally Murrow, South Puget Sound Community College.

(Other) Tammy Fellin, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.