

# SENATE BILL REPORT

## ESSB 6293

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As Passed Senate, February 16, 2016

**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:** Commerce & Labor: 1/13/16, 1/20/16 [DPS].

Passed Senate: 2/16/16, 48-0.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** That Substitute Senate Bill No. 6293 be substituted therefor, and the substitute bill do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser and Warnick.

**Staff:** Richard Rodger (786-7461)

**Background:** Volunteers who perform assigned work or authorized duties for the state or state agencies are considered employees for the purposes of receiving industrial insurance medical aid benefits. These volunteers must be acting of their own free choice, not receiving wages, and be registered and accepted as volunteers by the state or a state agency prior to the occurrence of an injury or occupational disease.

Volunteers may be provided medical aid benefit coverage at the option of any local government or nonprofit organization that has given notice to the Department of Labor & Industries (L&I) that it will cover all of its volunteers prior to any injury or occupational disease.

Student volunteers may be provided medical aid benefit coverage at the option of their employer. To qualify for the benefits: (1) the employer must have given notice of their intent to provide coverage, for all of their volunteers, to L&I prior to an any injury or occupational disease; (2) the student must be enrolled and participating in a program authorized by a

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public school offering programming for any grades K-12; and (3) the student must perform the duties for the employer without pay.

All L&I premiums or assessments due for the student volunteers' medical aid benefits are paid by the employer who has registered and accepted the services of the volunteers.

**Summary of Bill:** Individual employers may provide medical aid benefits to: (1) student volunteers enrolled and participating in a program authorized by any public or private school, including institutions of higher education; and (2) "unpaid students" who are in school-sponsored, unpaid work-based learning. Work-based learning includes cooperative education, clinical experiences, and internship programs.

An employer may annually elect to pay the L&I volunteer premiums and assessments for 100 hours of volunteer service for each volunteer, instead of tracking the actual number of hours of service for each volunteer. An employer selecting this option must use the method to cover all their volunteers for the calendar year.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill will create more opportunities for students at community colleges and universities to obtain practical experience. It will encourage many businesses to participate in unpaid internship programs, as it limits their liability exposure by allowing them to obtain medical aid coverage for the students.

OTHER: The bill should include definitions for "unpaid interns" and "schools." Because interns are not provided workers' compensation coverage, they would still be able to file tort claims for any injuries that occur.

**Persons Testifying:** PRO: Kathy Goebel, State Board for Community and Technical Colleges; Larry McGee, Centralia College; John Martens, Centralia College / VP of Instruction; Sally Murrow, South Puget Sound Community College.

OTHER: Tammy Fellin, Labor and Industries.

**Persons Signed In To Testify But Not Testifying:** No one.