

Oregon Law Regarding Paid & Un-Paid Internships

If you are hosting a Paid Intern please read to section 1. If you are hosting an Un-Paid Intern please read section 2.

Section 1

Definition of a Paid Intern

Under law a Paid Intern is considered an employee and is covered by the Fair Labor Standards Act's (FLSA) and local employment law.

Section 2

Definition of an Un-Paid Intern

Certain interns are not considered employees if they work for their own advantage on the premises of another, without any express or implied compensation agreement. Often, the arrangement is one in which a student intern earns high school or college credit in exchange for participating in a training program conducted by the employer. WH Publication 1297, issued by the U.S. Department of Labor, provides the following tests:

Criteria for an Internship to be Un-Paid

As of the beginning of 2018 internship laws have changed regarding Paid & Un-Paid internships.

Please refer to the Depart of Labor website for more info:

<https://www.dol.gov/whd/regs/compliance/whdfs71.htm>

Oregon Law Regarding Minors

Section 3 is only applicable if you are hosting an intern under the age of 18. Section 4 is only applicable if you need to file an exemption form for students ages 16 and 17 so they can be employed in specific occupations declared hazardous by the Federal Child Labor Law.

Section 3

Age and Work Hours

For purposes of employment, a "minor" is anyone under the age of 18. In general, a minor must be at least 14 years old to work in Oregon. In rare circumstances, the Oregon Wage and Hour Commission may allow younger individuals to work.

Interns ages 16-17

There are no limits on the number of hours 16 and 17 year-olds may work in a day. 16 and 17 year-olds may work up to 44 hours per week.

Interns ages 14-15

14 and 15 year-olds may not work during school hours, may not work more than three hours on any school day, and may not work more than eight hours on non-school days. Also, 14 and 15 year-olds may only work between the hours of 7:00 a.m. and 7:00 p.m. (and as late as 9:00 p.m. between June 1 and Labor Day). 14 and 15 year-olds may work at most 18 hours per week during the school year and 40 hours per week when school is not in session.

Work Prohibited for Minors

Several hazardous types of work are completely off-limits for minors. These include the operation of most power-driven machinery, including hoisting, woodworking and cutting/slicing equipment. Also prohibited are tasks involving exposure to dangerous worksites, such as work in mines, on roofs and in areas containing radioactive substances. 14 and 15-year-olds are subject to greater restrictions and are not permitted to work in or around most kinds of power-driven machinery or on construction sites, in warehouses, or at other locations where power-driven machinery is used. There are some exceptions for work experience/student-learner programs, which meet specific criteria.

Students under the age of eighteen may NOT be employed in the following occupations:

- Manufacturing or storing of explosives, including fireworks
- Logging and Sawmilling
- Power-driven woodworking machines*
- Crane operation
- Metalworking machinery*
- Meat cutting or packing*
- Power driven paper products machinery*
- Power driven bakery products
- Manufacturing brick or tile
- Use of circular saws or band saws*
- Wrecking or salvage occupations
- Roofing*
- Excavation*

*There is the possibility for students age 16 and 17 to be employed in these occupations if the student is employed under a Student Learner Exemption to Hazardous Orders Agreement (see section 4). And the following conditions are in place.

- The employer has given safety instructions.
- The student is under direct and close supervision by a qualified person.
- Hazardous portion of work is incidental to training.
- Hazardous portion of work is intermittent and for short periods

Section 4

Exceptions: (applies to 16 and 17 year-old student learners)

With the Student Learner Exemption Agreement, students can be employed in specific occupations declared hazardous by the Federal Child Labor Law. This agreement may only be executed in approved school programs that provide specific skills training and result in placement of students specifically related to that training. This agreement only applies to 16 and 17 year-old student learners and specific occupations.

Student Learner Exemption to Hazardous Orders

Hazardous Occupation Orders numbers 5, 8, 10, 12, 14, 16 and 17 contain exemptions for 16-and 17-year-old student-learners if they are enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private

school. Student learners may work in the above hazardous occupations provided they are employed under a written agreement stipulating:

- That the work of the student-learner in the occupation declared particularly hazardous shall be incidental to the training;
- That such work is intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person.
- That the school provides safety instructions that are correlated by the employer with on-the-job training.
- That the employer prepares a schedule or agreement of organized and progressive work processes to be performed on the job.

Each such written agreement must include the name of the student-learner and be signed by the employer and the school coordinator or principal. This exemption of the employment of student learners may be revoked in any individual situation if it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.

(Source: <https://www.dol.gov/whd/regs/compliance/childlabor101.pdf>)

Disclaimer: This document is intended to provide guidance for employers to host internships. The intent is to collect information on definitions, rules and restrictions that apply to bringing an intern into the workplace. This is a layman's interpretation of publicly available information and not intended to be interpreted as professional/legal advice.