

Restrictions on On-the-Job Training, Unpaid Employment, Work Supplementation; JOBS and REP

In the JOBS and REP programs:

- (1) The Department may not require a client to participate in an *activity* (see OAR [461-001-0025](#)) of the *OJT* (see OAR [461-001-0025](#)), *unpaid employment* (see OAR [461-001-0025](#)), or *work supplementation components* (see OAR [461-001-0025](#)) in the following circumstances:
 - (a) The client would displace a currently employed worker or position or would cause a reduction in regularly scheduled hours, wages or benefits of a current employee.
 - (b) The assignment would impair an existing contract for services or a collective bargaining agreement.
 - (c) The employment or assignment occurs at the same time another person is laid off from the same or an equivalent job within the same organizational unit or an employer terminates an employee or reduces its work force by hiring a participant in *OJT, unpaid employment, or work supplementation*.
 - (d) The employment or assignment infringes in any way on promotional opportunities of a current employee.
- (2) The Department may not require a client to participate in the *work supplementation component* by filling an established but currently vacant position.
- (3) The working conditions for clients participating in the *OJT, unpaid employment, and work supplementation components* may not violate applicable state and federal health and safety standards or require activities not considered usual and customary in the occupation for which the participant is being trained.
- (4) Clients participating in the *OJT, unpaid employment, and work supplementation components* who are covered by a workers'

compensation system are entitled to the same level of benefits under the same conditions as other individuals similarly employed.

- (5) Clients in *work supplementation* not covered by an applicable workers' compensation statute must be provided with equal medical and accident protection for on-site injuries as that required by the state's worker compensation statute for covered employment.
- (6) Clients in *unpaid employment* are covered by the *Fair Labor Standards Act (FLSA)* (see OAR [461-001-0025](#)) if the worksite is a FLSA subject employer.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [412.006](#), [412.009](#), [412.049](#)

Statutes/Other Implemented: ORS [409.010](#), [411.060](#), [412.006](#), [412.009](#), [412.049](#)

There are no previous rules dated January 1, 2014 or later.

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