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S.B. 28

WORK-BASED LEARNING PROGRAMS FOR INTERNS

1996 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

Scott N. Howell

Robert C. Steiner

David L. Watson

Joseph L. Hull

Howard A. Stephenson

David H. Steele

AN ACT RELATING TO EDUCATION; PROVIDING FOR WORK-BASED LEARNING PROGRAMS FOR INTERNS THROUGH PUBLIC AND PRIVATE SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION; PROVIDING DEFINITIONS; PROVIDING THAT WORKERS' COMPENSATION MEDICAL BENEFITS SHALL BE THE EXCLUSIVE REMEDY AGAINST AN EMPLOYER AND SCHOOL INVOLVED IN THE PROGRAM FOR INJURIES OR OCCUPATIONAL DISEASES; PROVIDING FOR CRIMINAL BACKGROUND CHECKS IN SPECIFIC SITUATIONS; AND PROVIDING FOR RECOGNITION OF COOPERATING EMPLOYERS.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53A-28-101, Utah Code Annotated 1953

53A-28-102, Utah Code Annotated 1953

53A-28-103, Utah Code Annotated 1953

53A-28-104, Utah Code Annotated 1953

53A-28-105, Utah Code Annotated 1953

53B-16-401, Utah Code Annotated 1953

53B-16-402, Utah Code Annotated 1953

53B-16-403, Utah Code Annotated 1953

53B-16-404, Utah Code Annotated 1953

53B-16-405, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-28-101** is enacted to read:

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53A-28-101. Definitions.

As used in this chapter:

(1) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through a school, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(2) "Intern" means a student enrolled in a school-sponsored work experience and career exploration program under Section 53A-28-102 involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.

(3) "Internship" means the work experience segment of an intern's school-sponsored work experience and career exploration program, performed under the direct supervision of a cooperating employer.

(4) "Private school" means a school serving any of grades 7 through 12 which is not part of the public education system.

(5) "Public school" means:

(a) a public school district;

(b) an applied technology center or applied technology service region;

(c) the Schools for the Deaf and the Blind; or

(d) other components of the public education system authorized by the State Board of Education to offer internships.

Section 2. Section **53A-28-102** is enacted to read:

53A-28-102. Public or private school internships.

A public or private school may offer internships in connection with work experience and career exploration programs operated in accordance with the rules of the State Board of Education.

Section 3. Section **53A-28-103** is enacted to read:

53A-28-103. Interns -- Workers' compensation medical benefits.

(1) An intern participating in an internship under Section 53A-28-102 is considered to be a volunteer government worker of the sponsoring public school, or an employee of the sponsoring private school, solely for purposes of receiving workers' compensation medical benefits.

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(2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the school and the cooperating employer for all injuries and occupational diseases as provided under Title 35, Chapters 1 and 2.

Section 4. Section **53A-28-104** is enacted to read:

53A-28-104. Internship programs -- Criminal background checks.

Officers and employees of a cooperating employer who will be given significant unsupervised access to a student in connection with the student's activities as an intern shall be considered to be volunteer school workers solely for purposes of criminal background checks under Section 53A-3-410.

Section 5. Section **53A-28-105** is enacted to read:

53A-28-105. Recognition of participation in internship program.

A cooperating employer may be given appropriate recognition by a school, including the posting of the employer's name and a short description of the employer's business in an appropriate location on school property, or publication of that information in official publications of the school or school district.

Section 6. Section **53B-16-401** is enacted to read:

Part 4. Internships**53B-16-401. Definitions.**

As used in this part:

(1) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through an institution of higher education, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(2) "Institution of higher education" means any component of the state system of higher education as defined under Section 53B-1-102 which is authorized by the State Board of Regents to offer internship programs, and any private institution of higher education which offers internship programs under this part.

(3) "Intern" means a student enrolled in a work experience and career exploration program

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under Section 53B-16-402 which is sponsored by an institution of higher education, involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.

(4) "Internship" means the work experience segment of an intern's work experience and career exploration program sponsored by an institution of higher education, performed under the direct supervision of a cooperating employer.

Section 7. Section **53B-16-402** is enacted to read:

53B-16-402. Higher education internships.

An institution of higher education may offer internships in connection with work experience and career exploration programs operated in accordance with rules of the State Board of Regents.

Section 8. Section **53B-16-403** is enacted to read:

53B-16-403. Interns -- Workers' compensation medical benefits.

(1) An intern participating in an internship under Section 53B-16-402 is considered to be a volunteer worker of the sponsoring institution of higher education solely for purposes of receiving workers' compensation medical benefits.

(2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the institution and the cooperating employer for all injuries and occupational diseases as provided under Title 35, Chapters 1 and 2.

Section 9. Section **53B-16-404** is enacted to read:

53B-16-404. Internship programs -- Criminal background checks.

An institution of higher education shall require an officer or employee of the institution or a cooperating employer, who will be given significant unsupervised access to a minor student in connection with the student's activities as an intern, to submit to a criminal background check on the same basis as volunteer school district workers under Section 53A-3-410.

Section 10. Section **53B-16-405** is enacted to read:

53B-16-405. Recognition of participation in internship program.

A cooperating employer may be given appropriate recognition by an institution of higher education, including the posting of the employer's name and a short description of the employer's

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business in an appropriate location on the institution's property, or publication of that information in official publications of the institution.

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LEGISLATIVE GENERAL COUNSEL
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This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

- 53A-28-101**, Utah Code Annotated 1953
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1 *Be it enacted by the Legislature of the state of Utah:*

2 Section 1. Section **53A-28-101** is enacted to read:

3 **CHAPTER 28. INTERNSHIPS**

4 **53A-28-101. Definitions.**

5 As used in this chapter:

6 (1) "Cooperating employer" means a public or private entity which, as part of a work
 7 experience and career exploration program offered through a school, provides interns with training
 8 and work experience in activities related to the entity's ongoing business activities.

9 (2) "Intern" means a student enrolled in a school-sponsored work experience and career
 10 exploration program under Section 53A-28-102 involving both classroom instruction and work
 11 experience with a cooperating employer, for which the student receives no compensation.

12 (3) "Internship" means the work experience segment of an intern's school-sponsored work
 13 experience and career exploration program, performed under the direct supervision of a
 14 cooperating employer.

15 (4) "Private school" means a school serving any of grades 7 through 12 which is not part
 16 of the public education system.

17 (5) "Public school" means:

18 (a) a public school district;

19 (b) an applied technology center or applied technology service region;

20 (c) the Schools for the Deaf and the Blind; or

21 (d) other components of the public education system authorized by the State Board of
 22 Education to offer internships.

23 Section 2. Section **53A-28-102** is enacted to read:

24 **53A-28-102. Public or private school internships.**

25 A public or private school may offer internships in connection with work experience and
 26 career exploration programs operated in accordance with the rules of the State Board of Education.

27 Section 3. Section **53A-28-103** is enacted to read:

28 **53A-28-103. Interns -- Workers' compensation medical benefits.**

29 (1) An intern participating in an internship under Section 53A-28-102 is considered to be
 30 a volunteer government worker of the sponsoring public school, or an employee of the sponsoring
 31 private school, solely for purposes of receiving workers' compensation medical benefits.



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1 (4) "Internship" means the work experience segment of an intern's work experience and
2 career exploration program sponsored by an institution of higher education, performed under the
3 direct supervision of a cooperating employer.

4 Section 7. Section **53B-16-402** is enacted to read:

5 **53B-16-402. Higher education internships.**

6 An institution of higher education may offer internships in connection with work
7 experience and career exploration programs operated in accordance with rules of the State Board
8 of Regents.

9 Section 8. Section **53B-16-403** is enacted to read:

10 **53B-16-403. Interns -- Workers' compensation medical benefits.**

11 (1) An intern participating in an internship under Section 53B-16-402 is considered to be
12 a volunteer worker of the sponsoring institution of higher education solely for purposes of
13 receiving workers' compensation medical benefits.

14 (2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against
15 the institution and the cooperating employer for all injuries and occupational diseases as provided
16 under Title 35, Chapters 1 and 2.

17 Section 9. Section **53B-16-404** is enacted to read:

18 **53B-16-404. Internship programs -- Criminal background checks.**

19 An institution of higher education shall require an officer or employee of the institution of
20 a cooperating employer, who will be given significant unsupervised access to a minor student in
21 connection with the student's activities as an intern, to submit to a criminal background check on
22 the same basis as volunteer school district workers under Section 53A-3-410.

23 Section 10. Section **53B-16-405** is enacted to read:

24 **53B-16-405. Recognition of participation in internship program.**

25 A cooperating employer may be given appropriate recognition by an institution of higher
26 education, including the posting of the employer's name and a short description of the employer's
27 business in an appropriate location on the institution's property, or publication of that information
28 in official publications of the institution.

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Legislative Review Note

as of 12-18-95 11:06 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns:

Office of Legislative Research and General Counsel

Committee Note

The Education Interim Committee recommends this bill out favorably.

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