

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 6 - 1 - 0
Yeas: Berger, Edwards C., Esquivel, Holvey, Rosenbaum, Schaufler
Nays: Smith P.
Exc.: 0
Prepared By: Theresa Van Winkle, Administrator
Meeting Dates: 3/14, 4/9

WHAT THE MEASURE DOES: Prohibits the use of state funds to assist, promote or deter union organizing. Prohibits an employer from using state property to hold meeting with an employee or supervisor if the purpose of meeting is to assist, promote or deter union organizing. Prohibits a state contractor from discharging, demoting, harassing or otherwise taking adverse action against an individual because they seek to enforce this law or testifies, assists or participates in the investigation, hearing or other proceeding to enforce this law. Provides exceptions. Requires the Bureau of Labor and Industries to enforce law. Allows a civil action to be filed and a civil penalty to be imposed for a violation. Declares an emergency, effective July 1, 2007.

ISSUES DISCUSSED:

- Examples of how public funds are used in deterring employees from organizing
- Examples of “union busting” tactics
- How measure applies to construction contracts with public agencies

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: HB 2892 establishes the State Financial Accountability Act, whose purpose is to “maintain the neutrality of the state in labor organizing by forbidding the use of state funds for unintended purposes and to conserve state resources by ensuring that state funds are used as intended.” The measure establishes that state contracts, recipients of a grant of state funds, or employers conducting business on state property pursuant to a state government contract or concession agreement may not use the funds or state property to assist, promote, or deter union organizing. A state contractor cannot take adverse action against any individual because the individual participates in any manner in proceedings or seeks to enforce the measure’s provisions.

HB 2892 outlines exceptions to the measure, such as allowing a labor organization or its representatives access to the employer’s facilities or property or when addressing a grievance or negotiating or administering a collective bargaining agreement. The measure’s provisions will be enforced by the Bureau of Labor and Industries (BOLI), who is directed to adopt necessary administrative rules to implement and administer compliance. The rules must include reasonable requirements for those affected by the measure to maintain records sufficient to show that no state funds are used to assist, promote, or deter union organizing.

Civil actions can be filed by BOLI. An Oregon taxpayer can also file a civil action, but is required to give prior written notice to BOLI of the alleged violation and the intent to bring suit and cannot file an identical civil action to one that has been filed by BOLI. Penalties are established as equal to triple the amount of any funds expended to assist, promote, or deter union organizing.