

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 1 - 2

Yeas: Edwards C., Holvey, Rosenbaum, Schaufler

Nays: Berger

Exc.: Esquivel, Smith P.

Prepared By: Theresa Van Winkle, Administrator

Meeting Dates: 3/14

WHAT THE MEASURE DOES: Modifies the definition of "employment relations" to include staffing levels and on-the job safety issues for public safety employees who are prohibited from striking.

ISSUES DISCUSSED:

- "Potential" versus "likely" impact to on-the-job safety and workload
- How the Employment Relations Board will interpret the measure in future arbitration cases
- Level of need to address safety issues at state agencies versus addressing safety issues at local jurisdictions
- Employment Relations Board's interpretation of safety issues in the bargaining process after the enactment of SB 750 (1995)

EFFECT OF COMMITTEE AMENDMENT: Modifies the "employment relations" definition to include "staffing levels and safety issues that have an impact on the on-the-job safety of the employees."

BACKGROUND: Public employee collective bargaining in Oregon has evolved over the past several decades. The Public Employee Collective Bargaining Act (PECBA) establishes the means for government employees to bargain with public employers. Under PECBA, safety issues were once considered under "other employment issues" as possible mandatory bargaining issues depending on a balancing test, determining whether parties are required to negotiate on a particular subject (mandatory) or the subject can be negotiated if parties agree to do so (permissive).

SB 750 (1995) brought major changes to public collective bargaining law, including the use of the balancing test. Under the provisions, if a proposal is not considered mandatory, it is not required to be bargained and is only considered by an arbitrator if both parties agree for it to be bargained. Currently, safety and staffing issues can only be bargained on if they had a "direct and substantial effect on the on-the-job safety of employees."

SB 400-A requires safety and staffing issues to become a bargaining issue if they have an impact on the on-the-job safety. The measure amends the definition of "employment relations" under PECBA to include personnel who are currently prohibited by statute from striking, such as firefighters, police officers, and guards at correctional institutions and mental hospitals.