

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed
Vote: 4 - 2 - 1
Yeas: Edwards C., Holvey, Rosenbaum, Schaufler
Nays: Berger, Esquivel
Exc.: Smith P.
Prepared By: Theresa Van Winkle, Administrator
Meeting Dates: 3/14, 4/11

WHAT THE MEASURE DOES: Modifies the definition of "employment relations" under public employee collective bargaining law to include safety and staffing issues only as they relate to on-the-job safety.

ISSUES DISCUSSED:

- Provisions of the measure
- Description of amendments
- Terms "staffing" versus "staffing levels"

EFFECT OF COMMITTEE AMENDMENT: Modifies the "employment relations" definition to include "safety and staffing only as they relate to on-the-job safety."

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 have a "direct and substantial effect on the on-the-job safety of employees."

SB 400 B requires safety and staffing issues to become a bargaining issue only if they are related to 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.