

House Bill 2891

Sponsored by Representative SCHAUFLEER; Representatives CLEM, C EDWARDS, GREENLICK, HOLVEY, HUNT, MERKLEY, RILEY, ROSENBAUM, SHIELDS, WITT, Senators AVAKIAN, BROWN, MONROE, MORRISETTE, WALKER, WESTLUND (at the request of Oregon AFL-CIO)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Employment Relations Board to certify labor organization as exclusive representative of employees if board finds that majority of employees in unit appropriate for bargaining have signed authorizations designating labor organization specified in petition as employees' bargaining representative and that no other labor organization is currently certified or recognized as exclusive representative of employees in unit. Requires board to develop guidelines and procedures for such designation by employees of bargaining representative.

A BILL FOR AN ACT

1
2 Relating to certification of labor organization by the Employment Relations Board; creating new
3 provisions; and amending ORS 243.682.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 243.682 is amended to read:

6 243.682. (1) If a question of representation exists, the Employment Relations Board shall:

7 [(1)] (a) Upon application of a public employer, public employee or a labor organization, desig-
8 nate the appropriate bargaining unit, and in making its determination shall consider such factors
9 as community of interest, wages, hours and other working conditions of the employees involved, the
10 history of collective bargaining, and the desires of the employees. The board may determine a unit
11 to be the appropriate unit in a particular case even though some other unit might also be appro-
12 priate.

13 [(2)] (b) Investigate and conduct a hearing on a petition that has been filed by:

14 [(a)] (A) A labor organization alleging that 30 percent of the employees in an appropriate bar-
15 gaining unit desire to be represented for collective bargaining by an exclusive representative;

16 [(b)] (B) A labor organization alleging that 30 percent of the employees in an appropriate bar-
17 gaining unit assert that the designated exclusive representative is no longer the representative of
18 the majority of the employees in the unit;

19 [(c)] (C) A public employer alleging that one or more labor organizations has presented a claim
20 to the public employer requesting recognition as the exclusive representative in an appropriate
21 bargaining unit; or

22 [(d)] (D) An employee or group of employees alleging that 30 percent of the employees assert
23 that the designated exclusive representative is no longer the representative of the majority of em-
24 ployees in the unit.

25 **(2)(a) Notwithstanding subsection (1) of this section, when an employee, group of em-**
26 **ployees or labor organization acting on behalf of the employees files a petition alleging that**
27 **a majority of employees in a unit appropriate for the purpose of collective bargaining wish**
28 **to be represented by a labor organization for that purpose, the board shall investigate the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 petition. If the board finds that a majority of the employees in a unit appropriate for bar-
 2 gaining have signed authorizations designating the labor organization specified in the petition
 3 as the employees' bargaining representative and that no other labor organization is currently
 4 certified or recognized as the exclusive representative of any of the employees in the unit,
 5 the board may not conduct an election but shall certify the labor organization as the exclu-
 6 sive representative.

7 (b) The board by rule shall develop guidelines and procedures for the designation by em-
 8 ployees of a bargaining representative in the manner described in paragraph (a) of this sub-
 9 section. The guidelines and procedures must include:

10 (A) Model collective bargaining authorization language that may be used for purposes of
 11 making the designations described in paragraph (a) of this subsection; and

12 (B) Procedures to be used by the board to establish the authenticity of signed authori-
 13 zations designating bargaining representatives.

14 (3) Except as provided in ORS 243.692, if the board finds in a hearing conducted pursuant to
 15 subsection [(2)] (1)(b) of this section that a question of representation exists, [it] the board shall
 16 conduct an election by secret ballot, at a time and place convenient for the employees of the juris-
 17 diction and also within a reasonable period of time after the filing has taken place, and certify the
 18 results [thereof] of the election.

19 **SECTION 2.** The amendments to ORS 243.682 by section 1 of this 2007 Act apply only to
 20 conduct to obtain certification of a labor organization occurring on or after the effective date
 21 of this 2007 Act.

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