

SENATE AMENDMENTS TO HOUSE BILL 2891

By COMMITTEE ON COMMERCE

June 7

1 On page 1 of the printed bill, line 3, delete “and” and after “243.682” insert “and 243.692; and
2 declaring an emergency”.

3 On page 2, line 6, after “representative” insert “unless a petition for a representation election
4 is filed as provided in subsection (3) of this section”.

5 In line 11, delete “and”.

6 In line 13, delete the period and insert a semicolon.

7 After line 13, insert:

8 “(C) Procedures to be used by the board to notify affected employees of the filing of a petition
9 requesting certification under subsection (3) of this section;

10 “(D) Procedures for filing a petition to request a representation election, including a timeline
11 of not more than 14 days after notice has been delivered to the affected employees of a petition filed
12 under paragraph (a) of this subsection; and

13 “(E) Procedures for expedited resolution of any dispute about the scope of the appropriate bar-
14 gaining unit. The resolution of the dispute may occur after an election is conducted.

15 “(c) Solicitation and rescission of a signed authorization designating bargaining representatives
16 are subject to the provisions of ORS 243.672.

17 “(3)(a) Notwithstanding subsection (2) of this section, when a petition requesting certification
18 has been filed under subsection (2) of this section, an employee or a group of employees in the unit
19 designated by the petition may file a petition with the board to request that a representation
20 election be conducted.

21 “(b) The petition requesting a representation election must be supported by at least 30 percent
22 of the employees in the bargaining unit designated by the petition.

23 “(c) The representation election shall be conducted on-site or by mail not later than 45 days
24 after the date on which the petition was filed.”.

25 In line 14, delete “(3)” and insert “(4)”.

26 After line 18, insert:

27 “**SECTION 2.** ORS 243.692 is amended to read:

28 “243.692. (1) No election shall be conducted under ORS 243.682 [(3)] (4) in any appropriate bar-
29 gaining unit within which during the preceding 12-month period an election was held, nor during the
30 term of any lawful collective bargaining agreement between a public employer and an employee
31 representative. However, a contract with a term of more than three years shall be a bar for only
32 the first three years of its term.

33 “(2) Notwithstanding subsection (1) of this section, the Employment Relations Board shall rule
34 that a contract will not be given the effect of barring an election if it finds that:

35 “(a) Unusual circumstances exist under which the contract is no longer a stabilizing force; and

1 “(b) An election should be held to restore stability to the representation of employees in the
2 unit.

3 “(3) A petition for an election where a contract exists must be filed not more than 90 calendar
4 days and not less than 60 calendar days before the end of the contract period. If the contract is for
5 more than three years, a petition for election may be filed any time after three years from the ef-
6 fective date of the contract.”.

7 In line 19, delete “2” and insert “3”.

8 After line 21, insert:

9 “**SECTION 4. This 2007 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
11 **on its passage.”.**

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