

A-Engrossed
Senate Bill 858

Ordered by the Senate May 2
Including Senate Amendments dated May 2

Sponsored by Senator MORRISETTE

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.

Gives adult foster care **home** providers right to collectively bargain with State of Oregon. **Specifies that adult foster care home provider is person who receives payments from state for providing adult foster care home services.**

A BILL FOR AN ACT

1
2 Relating to adult foster care providers.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 443.705 to**
5 **443.825.**

6 **SECTION 2. (1) As used in this section, "adult foster care home provider" means a per-**
7 **son who operates an adult foster home in the provider's home and who receives fees or**
8 **payments from the state for providing adult foster care home services. "Adult foster care**
9 **home provider" does not include a person:**

10 **(a) Who is a resident manager of an adult foster home who does not provide adult foster**
11 **care home services in the resident manager's own home or who does not have a controlling**
12 **interest in, or is not an officer or partner in, the entity that is the provider of adult foster**
13 **care home services;**

14 **(b) Who is not a natural person; or**

15 **(c) Whose participation in collective bargaining is determined by the Department of Hu-**
16 **man Services to be inconsistent with this section or in violation of state or federal law.**

17 **(2) For purposes of collective bargaining under ORS 243.650 to 243.782, the State of**
18 **Oregon is the public employer of record of adult foster care home providers.**

19 **(3) Notwithstanding ORS 243.650 (19), adult foster care home providers are considered to**
20 **be public employees governed by ORS 243.650 to 243.782. Adult foster care home providers**
21 **have the right to form, join and participate in the activities of labor organizations of their**
22 **own choosing for the purposes of representation and collective bargaining on matters con-**
23 **cerning labor relations. These rights shall be exercised in accordance with the rights granted**
24 **to public employees, with mediation and interest arbitration under ORS 243.742 as the**
25 **method of concluding the collective bargaining process. Adult foster care home providers**
26 **may not strike.**

27 **(4) Notwithstanding subsections (2) and (3) of this section, adult foster care home pro-**
28 **viders are not for any other purpose employees of the State of Oregon or any other public**

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 **body.**

2 (5) **The Oregon Department of Administrative Services shall represent the State of**
3 **Oregon in collective bargaining negotiations with the certified or recognized exclusive rep-**
4 **resentative of an appropriate bargaining unit of adult foster care home providers. The**
5 **Oregon Department of Administrative Services is authorized to agree to terms and condi-**
6 **tions of collective bargaining agreements on behalf of the Department of Human Services.**

7 (6) **Notwithstanding ORS 243.650 (1), the appropriate bargaining unit for adult foster care**
8 **home providers is a bargaining unit of all adult foster care home providers in the state.**

9 (7) **This section does not modify any right of an adult receiving foster care.**

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