

B-Engrossed
Senate Bill 858

Ordered by the Senate June 23
Including Senate Amendments dated May 2 and June 23

Sponsored by Senator MORRISETTE; Senator AVAKIAN

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. **Requires State of Oregon to recognize specified labor organization as exclusive representative of adult foster care home providers.**

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-**

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 **viders are not for any other purpose employees of the State of Oregon or any other public**
2 **body.**

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

8 **(6) Notwithstanding ORS 243.650 (1), an appropriate bargaining unit for adult foster care**
9 **home providers is any bargaining unit recognized by the Governor in an executive order is-**
10 **sued prior to the effective date of this 2007 Act.**

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

12 **SECTION 3. (1) For the purposes of ORS 243.650 (8) and 243.666, on the effective date of**
13 **this 2007 Act the State of Oregon shall recognize as the exclusive representative of adult**
14 **foster care home providers the labor organization that was recognized as the majority rep-**
15 **resentative of adult foster care home providers under Executive Order 07-07 or was recog-**
16 **nized as the majority representative under any executive order issued subsequent to**
17 **Executive Order 07-07 and prior to the effective date of this 2007 Act.**

18 **(2) Nothing in this section may be construed to interfere with adult foster care home**
19 **providers' rights under ORS 243.650 to 243.782 to question representation or seek a repre-**
20 **sentation election, or the State of Oregon's rights under ORS 243.650 to 243.782 to withdraw**
21 **recognition of a labor organization or seek a representation election.**

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