

SENATE AMENDMENTS TO SENATE BILL 858

By COMMITTEE ON COMMERCE

May 2

1 Delete lines 6 through 27 of the printed bill and insert:

2 **“SECTION 2. (1) As used in this section, ‘adult foster care home provider’ means a per-**
3 **son who operates an adult foster home in the provider’s home and who receives fees or**
4 **payments from the state for providing adult foster care home services. ‘Adult foster care**
5 **home provider’ does not include a person:**

6 **“(a) Who is a resident manager of an adult foster home who does not provide adult foster**
7 **care home services in the resident manager’s own home or who does not have a controlling**
8 **interest in, or is not an officer or partner in, the entity that is the provider of adult foster**
9 **care home services;**

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

11 **“(c) Whose participation in collective bargaining is determined by the Department of**
12 **Human Services to be inconsistent with this section or in violation of state or federal law.**

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

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

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

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

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

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