

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	6 - 4 - 0
<b>Yeas:</b>	Barton, Edwards C., Holvey, Matthews, Witt, Schaufler
<b>Nays:</b>	Cameron, Esquivel, Kennemer, Thatcher
<b>Exc.:</b>	0
<b>Prepared By:</b>	Theresa Van Winkle, Administrator
<b>Meeting Dates:</b>	3/16, 4/15, 4/27

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**WHAT THE MEASURE DOES:** Includes certain classes of temporary, seasonal, limited duration, managerial, and supervisory employees in the definition of an “appropriate bargaining unit” for purposes of collective bargaining between public employers and public employees. Exempts election workers from being included in a bargaining unit. Modifies definition of “managerial employee” to require that the classification applies only to employees that act in a supervisory capacity in relation to other employees and have the authority to economically discipline an employee. Modifies definition of “supervisory employee” by stating that any function of authority to economically discipline, or have direct responsibility to direct or adjust grievances, does not require the conclusion that an employee is classified as a supervisory employee. Eliminates requirement that both issue of representation by labor organization and issue of designation of organization as exclusive representative be placed on ballot for representation elections for faculty that work at campuses within the Oregon University System. Prohibits public employer from hiring permanent replacements for public employees engaged in a lawful strike.

**ISSUES DISCUSSED:**

- Overview of collective bargaining statutes before and after the enactment of SB 750 (1995)
- Impact of the measure’s provisions on labor and management
- Overview of the expedited bargaining process
- Definition of “temporary employee,” “seasonal employee,” and “limited duration employee”
- Ballots used in representation elections for Oregon University System (OUS) faculty
- Potential fiscal impact of the measure

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies the classes of temporary, seasonal, and limited duration employees that can be part of an “appropriate bargaining unit.” Exempts election workers from being included in a bargaining unit. Modifies definition of “managerial employee” and “supervisory employee.” Restores statute that prohibits managerial and supervisory employees from organizing. Restores statute regarding the expedited bargaining process.

**BACKGROUND:** The Public Employee Collective Bargaining Act (PECBA) establishes a collective bargaining process for Oregon’s public employers and unions representing public employees. Employers covered by the PECBA include, among others, the State of Oregon, cities, counties, school districts, community colleges, public hospitals, and special districts. The PECBA is administered by the Employment Relations Board (ERB), and the last major changes to the Act were done via the enactment of SB 750 (1995).

HB 2831-A expands the classes of employees who can be included in a bargaining unit to include temporary employees, seasonal employees, and limited duration employees who have substantially performed the same amount of work as other employees within the bargaining unit and have, in general, been working for more than three months in a twelve month period. Under the measure, a “temporary employee” is one that is hired for the purpose of meeting emergency, nonrecurring, or short-term workforce needs, while a “limited duration employee” is regularly scheduled on either full-

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time or part-time basis for an agreed-upon period and employed under a grant or for special projects. The measure also modifies the definition of “managerial employee” and “supervisory employee” to include economic discipline as a qualifier for determining whether they can participate in collective bargaining.

Currently, when faculty of an Oregon University System (OUS) institution wishes to organize, the ERB is required to place on the ballot only those labor organizations designated to be placed on the ballot by more than ten percent of the employees in the prospective bargaining unit. Once that takes place, two issues are placed on the ballot: for or against representation, and the labor organization(s) that have been designated to be placed on the ballot by more than ten percent of the employees in the prospective bargaining unit. If a majority of votes were cast against representation, ERB certifies no representative for the unit. If the majority votes for representation, ERB looks at the second issue of which labor organization receives the most votes and then designates that organization as the bargaining unit’s representative. HB 2831-A removes the second ballot and makes the university faculty ballot process consistent with other bargaining units.

HB 2831-A also prohibits public employers from hiring permanent replacements for employees engaging in a lawful strike, but does not prohibit hiring temporary replacements.