

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass with Amendments to the A-Eng. Measure (Printed B-Eng.)

Vote: 3 - 2 - 0

Yeas: Monnes Anderson, Prozanski, Rosenbaum

Nays: George, Telfer

Exc.: 0

Prepared By: Jeremy Sarant, Administrator

Meeting Dates: 5/18, 5/20, 5/27

WHAT THE MEASURE DOES: Permits inclusion of certain classes of temporary and seasonal employees in definition of “appropriate bargaining unit” for purposes of collective bargaining between public employers and public employees. Distinguishes school employees. Adds and defines class of “casual employees” not included in class of “temporary employees” that may be included in appropriate bargaining unit. Modifies definition of “supervisory employee” by stating that authority of employee to exercise any of an enumerated list of typical supervisory functions, does not require conclusion that employee is classified as 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 (OUS). Prohibits public employer from hiring permanent replacements for public employees engaged in a lawful strike.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENTS: Eliminates class of “limited duration employees.” Adds and defines class of “casual employees” not included in class of “temporary employees” that may be included in appropriate bargaining unit. Eliminates specific exemption of election workers. Removes three-month time requirement for education employees to be included in appropriate bargaining unit. Reverts to existing statutory definition of “managerial employee” that states that managerial employee need not act in a supervisory capacity. Corrects scrivener’s error.

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 PECBA were done via the enactment of Senate Bill 750 (1995).

House Bill 2831B expands the classes of employees who may be included in an existing bargaining unit to include certain temporary employees and seasonal employees who have performed substantially the same amount of work as other employees within the bargaining unit and have, in general, been working for more than 3 months in a 12 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. The measure also removes a procedural limitation on challenging supervisory status, and clarifies that performing a supervisory function does not necessarily make an employee a “supervisory employee.”

Currently, when faculty of an OUS institution wish to organize, the ERB is required to place two issues on the ballot: for and against representation; and labor organizations designated by more than 10 percent of the prospective bargaining unit. If a majority of votes are cast for representation, ERB looks at the second issue of whether a labor organization received a majority of the votes and then designates that organization as the bargaining unit’s representative. House Bill 2831B eliminates this two-issue ballot, and makes the university faculty ballot process consistent with the process for other bargaining units. House Bill 2831B also prohibits public employers from hiring permanent replacements for employees engaging in a lawful strike, but does not prohibit hiring temporary replacements.

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This summary has not been adopted or officially endorsed by action of the committee.