

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2713

By COMMITTEE ON JUDICIARY

June 8

1 On page 1 of the printed A-engrossed bill, line 25, after “investigation” insert “concerning a
2 matter that the officer reasonably believes may lead to economic sanctions or dismissal from em-
3 ployment”.

4 On page 2, line 3, after “compensated” delete the rest of the line and insert “appropriately.”.

5 In line 12, after the period insert “This paragraph does not apply to preliminary questions di-
6 rected at gaining a general overview of events in order to assess whether an inquiry is necessary
7 and to effectively investigate and gather evidence.”.

8 In line 20, after “(B)” insert “In a compelled interview solely for noncriminal purposes.”.

9 Delete lines 22 through 35 and insert:

10 “(i)(A) The public safety officer may record the interview and must be given a copy of the tape
11 or digital file of the interview and, upon request, a transcript of any recording that has been tran-
12 scribed by the employer.

13 “(B) The public safety officer must be given a copy of any written statement or report describing
14 the officer’s statements.

15 “(C) Materials required to be given to the public safety officer under this paragraph must be
16 given before subsequent interviews in the course of the same investigation.

17 “(j) As soon as it is determined that the public safety officer may be charged with a criminal
18 offense, the officer must be informed of the officer’s right to consult with criminal defense counsel
19 with respect to the criminal charge.

20 “(k) In a disciplinary or administrative investigation, the public safety officer’s chosen repre-
21 sentative may not be required to disclose, or be subject to disciplinary action for refusing to dis-
22 close, statements made by the officer to the representative for purposes of the representation.”.

23 On page 4, after line 6, insert:

24 “(7) Represented in a collective bargaining unit if the collective bargaining agreement provides
25 for procedures and safeguards of the sort provided for in ORS 236.350 to 236.370.”.

26 In line 36, delete “paragraph (b)” and insert “paragraphs (b) and (c)”.

27 After line 41, insert:

28 “(c) If a public safety officer is not available to read and sign the document containing an ad-
29 verse comment at the work location where the personnel files are maintained, the employer may
30 place the document in the officer’s personnel records and mail a copy of the document to the officer
31 by regular mail or interoffice mail.”.

32 In line 42, delete “(c)” and insert “(d)”.

33 On page 5, delete lines 1 through 9 and insert:

34 “(7)(a) Upon request, a public safety officer may inspect the officer’s own personnel records at
35 a reasonable time at the location where the records are kept by the employer.

1 “(b) If, after inspection, a public safety officer believes that any portion of the material is
2 mistakenly or unlawfully placed in the officer’s personnel records, the officer may request in writing
3 that the mistaken or unlawful material be corrected or deleted. The request must describe the cor-
4 rections or deletions requested and the reasons supporting the request and provide any documenta-
5 tion that supports the request. The employer shall respond within 30 days from the date the request
6 is received. If the employer does not correct or delete the material, the employer shall place the
7 request and the employer’s response to the request in the officer’s personnel records.”.
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