

Enrolled
House Bill 3279

Sponsored by Representative KENNEMER; Senator MORRISETTE (at the request of Adult-Care.ORG)

CHAPTER

AN ACT

Relating to adult foster homes; amending ORS 443.733.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 443.733 is amended to read:

443.733. (1) As used in this section, “adult foster care home provider” means a person who operates an adult foster home in the provider’s home and who receives fees or payments from the state for providing adult foster care home services. “Adult foster care home provider” does not include a person:

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

(b) Who is not a natural person; or

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

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

(3) Notwithstanding ORS 243.650 (19), adult foster care home providers are considered to be public employees governed by ORS 243.650 to 243.782. Adult foster care home providers have the right to form, join and participate in the activities of labor organizations of their own choosing for the purposes of representation and collective bargaining on matters concerning labor relations. **Mandatory subjects of collective bargaining include but are not limited to provider base rates and add-on payments.** These rights shall be exercised in accordance with the rights granted to public employees, with mediation and interest arbitration under ORS 243.742 as the method of concluding the collective bargaining process. Adult foster care home providers may not strike.

(4) Notwithstanding subsections (2) and (3) of this section, adult foster care home providers are not for any other purpose employees of the State of Oregon or any other public body.

(5) The Oregon Department of Administrative Services shall represent the State of Oregon in collective bargaining negotiations with the certified or recognized exclusive representative of an appropriate bargaining unit of adult foster care home providers. The Oregon Department of Administrative Services is authorized to agree to terms and conditions of collective bargaining agreements on behalf of the State of Oregon.

(6) Notwithstanding ORS 243.650 (1), an appropriate bargaining unit for adult foster care home providers is any bargaining unit recognized by the Governor in an executive order issued prior to January 1, 2008.

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

Passed by House May 7, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 17, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State