

House Bill 2676

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits public body from disclosing recording of public employee made during investigation of employee's conduct unless employee consents in writing.

Removes exception to disciplinary action statutes for public safety officers under collective bargaining agreement.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public employees; amending ORS 192.447 and 236.370; and declaring an emergency.

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

4 **SECTION 1.** ORS 192.447 is amended to read:

5 192.447. (1) As used in this section, "public body" has the meaning given that term in ORS
6 174.109.

7 (2)(a) A public body may not disclose the identification badge or card of an employee of the
8 public body without the written consent of the employee if:

9 [(a)] (A) The badge or card contains the photograph of the employee; and

10 [(b)] (B) The badge or card was prepared solely for internal use by the public body to identify
11 employees of the public body.

12 [(3)] (b) The public body may not disclose a duplicate of the photograph used on the badge or
13 card.

14 (3)(a) **A public body may not disclose an audio or video recording of a public employee
15 made or created by the public body during an investigation without the written consent of
16 the employee if:**

17 (A) **The conduct of the employee was a subject of the investigation; and**

18 (B) **An alternative method of taking the employee's statement was available.**

19 (b) **Paragraph (a) of this subsection does not prohibit the production and use of the audio
20 or video recording in a judicial, administrative or arbitration proceeding.**

21 **SECTION 2.** ORS 236.370 is amended to read:

22 236.370. ORS 236.350 to 236.370 do not apply to disciplinary action taken against public safety
23 officers who are:

24 (1) In an initial probationary period of employment that does not exceed 12 months or in a
25 probationary period under a collective bargaining agreement [*which*] **that** is in excess of 12 months;

26 [(2) *Under a collective bargaining agreement requiring just cause for disciplinary action;*]

27 [(3)] (2) Under a county civil service system adopted pursuant to ORS 241.002 to 241.009;

28 [(4)] (3) Under a county or municipal civil service system [*which*] **that** provides public safety
29 officers with disciplinary action protections at least equivalent to those provided under ORS 236.350

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 and 236.360;

2 [(5)] (4) The chief executive officers of law enforcement units, as defined in ORS 181.610; [or]

3 [(6)] (5) Supervisory employees, as defined under ORS 243.650, [where] **if** a collective bargaining
4 agreement is in effect with their public employer[.]; **or**

5 [(7)] (6) Represented in a collective bargaining unit if the collective bargaining agreement pro-
6 vides for procedures and safeguards of the sort provided for in ORS 236.350 to 236.370.

7 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
9 **on its passage.**

10