

# House Bill 2841

Sponsored by Representative WINGARD (Pre-session filed.)

## 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**.

Directs Oregon Department of Administrative Services to adopt rules setting fees payable by labor organizations that receive amounts deducted from salary or wages of certain public employees. Sets January 1, 2012, operative date. Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to payroll deductions for payment to labor organizations; creating new provisions; amend-  
3 ing ORS 292.055; and declaring an emergency.

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

5 **SECTION 1.** ORS 292.055 is amended to read:

6 292.055. (1) Upon receipt of [*the request in writing of*] **a written request from** a state officer  
7 or employee [*so to do*], the state official authorized to disburse funds in payment of the salary or  
8 wages of [*such*] **the** state officer or employee [*each month*] shall deduct **each month** from the salary  
9 or wages of [*such*] **the** officer or employee the amount of money indicated in [*such*] **the** request, for  
10 payment [*thereof*] to a **designated** labor organization as [*the same is*] defined in ORS 243.650.

11 (2) [*Such state official each month shall pay such amount so deducted to any such labor organ-*  
12 *ization so designated to receive it*] **Each month, the state official shall pay the amount deducted**  
13 **to the labor organization designated to receive the amount.**

14 (3) Unless there is a contract to the contrary, upon receipt of [*the request in writing of such*] **a**  
15 **written request from the** officer or employee [*so to do, such*], **the** state official shall cease making  
16 [*such*] **the** deductions and payments.

17 (4) In addition to making [*such*] deductions and payments to any labor organization certified  
18 under the rules of the Employment Relations Board as representatives of employees in a bargaining  
19 unit, any department, board, commission, bureau, institution or other agency of the state shall make  
20 deductions for and payments to noncertified, yet bona fide, labor organizations, if requested to do  
21 so by officers and employees in that department, board, commission, bureau, institution[,] or other  
22 state agency, and for so long as the requests are not revoked. [*No*] Deductions for and payments to  
23 any labor organization under this section [*shall be deemed*] **are not** an unfair labor practice under  
24 ORS 243.672.

25 (5) Upon receipt from the Oregon Department of Administrative Services of a copy of a valid  
26 fair-share agreement in a collective bargaining unit, the state official authorized to disburse funds  
27 in payment of the salary or wages of the employees in [*such*] **the** unit [*each month*] shall deduct **each**  
28 **month** from the salary or wages of the employees covered by the agreement the in-lieu-of-dues  
29 payment stated in the agreement and pay [*such*] **the** amount to the labor organization **that is a**  
30 party **to** the agreement in the same manner as deducted dues are paid to a labor organization.

**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 [Such] The deduction and payment shall continue for the life of the agreement.

2 (6)(a) The Oregon Department of Administrative Services shall adopt rules establishing  
3 a fee to be paid by labor organizations receiving payments under this section.

4 (b) The labor organization shall pay the fee to the state official, department, board,  
5 commission, bureau, institution or other agency of the state making payments to labor or-  
6 ganizations under this section according to a schedule set by the Oregon Department of  
7 Administrative Services.

8 (c) The Oregon Department of Administrative Services shall set the fee in an amount  
9 sufficient to cover the cost to be incurred by the state official, department, board, commis-  
10 sion, bureau, institution or other agency of the state in:

11 (A) Administering the requirements of this section; and

12 (B) Maintaining the records necessary to document, track, update and collect the pay-  
13 ments required under this section.

14 (d) Fees collected under this section shall be deposited in the General Fund.

15 **SECTION 2.** A labor organization receiving payments through payroll deductions au-  
16 thorized by a collective bargaining agreement under ORS 652.610 from a community college  
17 district, an education service district, a school district or the Oregon University System shall  
18 pay the fee specified in ORS 292.005 to the community college district, education service  
19 district, school district or university system that makes the payment to the labor organiza-  
20 tion.

21 **SECTION 3.** (1) The amendments to ORS 292.055 by section 1 of this 2011 Act become  
22 operative January 1, 2012, and apply to amounts deducted from the salary or wages of offi-  
23 cers or employees on or after January 1, 2012.

24 (2) The Oregon Department of Administrative Services and any state official, department,  
25 board, commission, bureau, institution or other agency of the state may take any action  
26 prior to January 1, 2012, that is necessary to allow the Oregon Department of Administrative  
27 Services and any other state official, department, board, commission, bureau, institution or  
28 agency of the state to exercise, on and after January 1, 2012, all the duties, functions and  
29 powers conferred on the Oregon Department of Administrative Services and any other state  
30 official, department, board, commission, bureau, institution or agency of the state by the  
31 amendments to ORS 292.055 by section 1 of this 2011 Act.

32 **SECTION 4.** Section 2 of this 2011 Act applies to payments made to labor organizations  
33 authorized by collective bargaining agreements entered into on or after the effective date  
34 of this 2011 Act.

35 **SECTION 5.** This 2011 Act being necessary for the immediate preservation of the public  
36 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
37 on its passage.

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