

HB 4131-5  
(LC 200)  
2/7/12 (TR/CJC/ps)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4131**

1 Delete lines 5 through 22 of the printed bill and insert:

2 **SECTION 1. (1) Notwithstanding ORS 291.229, an agency of state**  
3 **government that employs more than 100 employees and has not, by the**  
4 **effective date of this 2012 Act, attained a ratio of at least 11 to 1 of**  
5 **public employees to supervisory employees and managerial employees**  
6 **acting in a supervisory capacity:**

7 **“(a) May not fill the position of a supervisory employee or of a**  
8 **managerial employee acting in a supervisory capacity until the agency**  
9 **has increased the agency’s ratio of public employees to supervisory**  
10 **employees and managerial employees acting in a supervisory capacity**  
11 **so that the ratio is at least one additional public employee to super-**  
12 **visory employees and managerial employees acting in a supervisory**  
13 **capacity; and**

14 **“(b) Shall, not later than December 31, 2012, lay off or reclassify the**  
15 **number of supervisory employees or managerial employees acting in**  
16 **a supervisory capacity necessary to attain the increase in the ratio**  
17 **specified in paragraph (a) of this subsection if the increase in that**  
18 **ratio is not attained under paragraph (a) of this subsection or through**  
19 **attrition.**

20 **“(2) Notwithstanding ORS 291.229, an agency of state government**  
21 **that employs more than 100 employees and has complied with the re-**  
22 **quirements of subsection (1) of this section, but has not attained a**

1 ratio of at least 11 to 1 of public employees to supervisory employees  
2 and managerial employees acting in a supervisory capacity:

3 “(a) May not fill the position of a supervisory employee or of a  
4 managerial employee acting in a supervisory capacity until the agency  
5 has increased the agency’s ratio of public employees to supervisory  
6 employees and managerial employees acting in a supervisory capacity  
7 by at least one additional public employee; and

8 “(b) Not later than December 31 of each subsequent year, shall lay  
9 off or reclassify the number of supervisory employees and managerial  
10 employees acting in a supervisory capacity necessary to increase the  
11 agency’s ratio of public employees to supervisory employees and  
12 managerial employees acting in a supervisory capacity so that the ra-  
13 tio is at least one additional public employee to supervisory employees  
14 and managerial employees acting in a supervisory capacity.

15 “(3) Layoffs or reclassifications required under this section must  
16 be made in accordance with the terms of any applicable collective  
17 bargaining agreement. A supervisory employee or managerial em-  
18 ployee acting in a supervisory capacity who is reclassified into a clas-  
19 sified position pursuant to this section shall be compensated in the  
20 salary range for the classified position unless otherwise provided by  
21 an applicable collective bargaining agreement.

22 “(4) As used in this section:

23 “(a) ‘Managerial employee’ has the meaning given that term in ORS  
24 243.650.

25 “(b) ‘Public employee’ has the meaning given that term in ORS  
26 243.650.

27 “(c) ‘State government’ means every state officer, board, commis-  
28 sion, department, institution, branch or agency whose costs are paid  
29 wholly or in part from funds held in the State Treasury, except:

30 “(A) The Legislative Assembly and the courts, and their officers and

1 committees;

2 “(B) The Public Defense Services Commission; and

3 “(C) The Secretary of State and the State Treasurer in the per-  
4 formance of the duties of their constitutional offices.

5 “(d) ‘Supervisory employee’ has the meaning given that term in  
6 ORS 243.650.

7 “SECTION 2. This 2012 Act being necessary for the immediate  
8 preservation of the public peace, health and safety, an emergency is  
9 declared to exist, and this 2012 Act takes effect on its passage.”.

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