

**A-Engrossed**  
**House Bill 4131**

Ordered by the House February 9  
Including House Amendments dated February 9

Sponsored by Representative DEMBROW; Representatives BAILEY, BUCKLEY, DOHERTY, HARKER, HOYLE, HUNT, KOMP, KOTEK, MATTHEWS, READ, SCHAUFLE, J SMITH, WHISNANT, WITT, Senators DINGFELDER, MONNES ANDERSON (Presession 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.

*[Directs certain agencies of state government that have not attained ratio of 11 to 1 of public employees to supervisory employees to increase ratio of public employees to supervisory employees by at least one public employee not later than July 1, 2012.]*

**For state agencies with more than 100 employees and with ratio of less than 11 to 1 of public employees to supervisory employees and managerial employees acting in supervisory capacity, restricts hiring and requires layoffs or reclassifications of supervisory or managerial employees for purpose of attaining certain ratio.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to ratio of state agency public employees to supervisory employees; and declaring an  
3 emergency.

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

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

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

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

18 **(2) Notwithstanding ORS 291.229, an agency of state government that employs more than**  
19 **100 employees and has complied with the requirements of subsection (1) of this section, but**  
20 **has not attained a ratio of at least 11 to 1 of public employees to supervisory employees and**  
21 **managerial employees acting in a supervisory capacity:**

22 **(a) May not fill the position of a supervisory employee or of a managerial employee acting**  
23 **in a supervisory capacity until the agency has increased the agency's ratio of public em-**

**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 **ployees to supervisory employees and managerial employees acting in a supervisory capacity**  
2 **by at least one additional public employee; and**

3 **(b) Not later than October 31 of each subsequent year, shall lay off or reclassify the**  
4 **number of supervisory employees and managerial employees acting in a supervisory capacity**  
5 **necessary to increase the agency's ratio of public employees to supervisory employees and**  
6 **managerial employees acting in a supervisory capacity so that the ratio is at least one addi-**  
7 **tional public employee to supervisory employees and managerial employees acting in a su-**  
8 **pervisory capacity.**

9 **(3) Layoffs or reclassifications required under this section must be made in accordance**  
10 **with the terms of any applicable collective bargaining agreement. A supervisory employee**  
11 **or managerial employee acting in a supervisory capacity who is reclassified into a classified**  
12 **position pursuant to this section shall be compensated in the salary range for the classified**  
13 **position unless otherwise provided by an applicable collective bargaining agreement.**

14 **(4) As used in this section:**

15 **(a) "Managerial employee" has the meaning given that term in ORS 243.650.**

16 **(b) "Public employee" has the meaning given that term in ORS 243.650.**

17 **(c) "State government" means every state officer, board, commission, department, in-**  
18 **stitution, branch or agency whose costs are paid wholly or in part from funds held in the**  
19 **State Treasury, except:**

20 **(A) The Legislative Assembly and the courts, and their officers and committees;**

21 **(B) The Public Defense Services Commission; and**

22 **(C) The Secretary of State and the State Treasurer in the performance of the duties of**  
23 **their constitutional offices.**

24 **(d) "Supervisory employee" has the meaning given that term in ORS 243.650.**

25 **SECTION 2. This 2012 Act being necessary for the immediate preservation of the public**  
26 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**  
27 **on its passage.**

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