

B-Engrossed
House Bill 4131

Ordered by the House February 29
Including House Amendments dated February 9 and February 29

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

For state agencies with more than 100 employees and with ratio of less than 11 to 1 of [*public*] **nonsupervisory** 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. **Exempts certain agencies. Modifies statute requiring Oregon Department of Administrative Services to develop plan to attain 11 to 1 ratio.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to ratio of state agency public employees to supervisory employees; creating new pro-
3 visions; amending ORS 291.229; and declaring an emergency.

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

5 **SECTION 1. (1) Notwithstanding ORS 291.229, a state agency that employs more than 100**
6 **employees and has not, by the effective date of this 2012 Act, attained a ratio of at least 11**
7 **to 1 of employees of the state agency who are not supervisory employees to supervisory**
8 **employees:**

9 (a) **May not fill the position of a supervisory employee until the agency has increased the**
10 **agency's ratio of employees to supervisory employees so that the ratio is at least one addi-**
11 **tional employee to supervisory employees; and**

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

16 (2) **Notwithstanding ORS 291.229, a state agency that employs more than 100 employees**
17 **and has complied with the requirements of subsection (1) of this section, but has not attained**
18 **a ratio of at least 11 to 1 of employees of the state agency who are not supervisory employees**
19 **to supervisory employees:**

20 (a) **May not fill the position of a supervisory employee until the agency has increased the**
21 **agency's ratio of employees to supervisory employees by at least one additional employee;**
22 **and**

23 (b) **Not later than October 31 of each subsequent year, shall lay off or reclassify the**
24 **number of supervisory employees necessary to increase the agency's ratio of employees to**

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 supervisory employees so that the ratio is at least one additional employee to supervisory
2 employees.

3 (3) Layoffs or reclassifications required under this section must be made in accordance
4 with the terms of any applicable collective bargaining agreement. A supervisory employee
5 who is reclassified into a classified position pursuant to this section shall be compensated in
6 the salary range for the classified position unless otherwise provided by an applicable col-
7 lective bargaining agreement.

8 (4) Upon application from a state agency, the Oregon Department of Administrative
9 Services may grant a state agency an exception from the requirements of subsections (1) to
10 (3) of this section if the department determines that the exception is warranted due to
11 unique or emergency circumstances. The department shall report all exceptions granted un-
12 der this subsection to the Joint Committee on Ways and Means, the Joint Interim Commit-
13 tee on Ways and Means or the Emergency Board.

14 (5) As used in this section:

15 (a)(A) "State agency" means all state officers, boards, commissions, departments, insti-
16 tutions, branches, agencies, divisions and other entities, without regard to the designation
17 given to those entities, that are within the executive department of government as described
18 in section 1, Article III of the Oregon Constitution.

19 (B) "State agency" does not include:

- 20 (i) The legislative department as defined in ORS 174.114;
- 21 (ii) The judicial department as defined in ORS 174.113;
- 22 (iii) The Public Defense Services Commission;
- 23 (iv) The Secretary of State and the State Treasurer in the performance of the duties of
24 their constitutional offices;
- 25 (v) Semi-independent state agencies listed in ORS 182.454;
- 26 (vi) The Oregon Tourism Commission;
- 27 (vii) The Oregon Film and Video Office;
- 28 (viii) The Oregon University System;
- 29 (ix) The Oregon Health and Science University;
- 30 (x) The Travel Information Council;
- 31 (xi) Oregon Corrections Enterprises;
- 32 (xii) The Oregon State Lottery Commission;
- 33 (xiii) The State Accident Insurance Fund Corporation;
- 34 (xiv) The Oregon Health Insurance Exchange Corporation;
- 35 (xv) The Oregon Utility Notification Center;
- 36 (xvi) Oregon Community Power;
- 37 (xvii) The Citizens' Utility Board;
- 38 (xviii) A special government body as defined in ORS 174.117;
- 39 (xix) Any other public corporation created under a statute of this state and specifically
40 designated as a public corporation; and
- 41 (xx) Any other semi-independent state agency denominated by statute as a semi-
42 independent state agency.

43 (b) "Supervisory employee" has the meaning given that term in ORS 243.650.

44 **SECTION 2.** ORS 291.229 is amended to read:

45 291.229. (1) The Oregon Department of Administrative Services shall develop a plan for [agencies

1 of state government] **state agencies** that employ more than 100 employees to attain a ratio of 11 to
2 1 of [public] employees **of state agencies who are not supervisory employees** to supervisory em-
3 ployees [and managerial employees acting in a supervisory capacity]. The plan shall be used to de-
4 velop the legislatively adopted budget and may provide for a transition to the ratio specified in this
5 subsection during a period lasting more than one biennium.

6 (2)[(a)] As part of the development of the legislatively adopted budget, during each odd-numbered
7 year regular session of the Legislative Assembly, the department shall report on the plan developed
8 under subsection (1) of this section to the Joint Committee on Ways and Means. **The report shall**
9 **include the ratio of employees of state agencies who are not supervisory employees to su-**
10 **pervisory employees.**

11 [(b) *The report required under this subsection shall also include:*]

12 [(A) *the ratio of public employees to supervisory employees;*]

13 [(B) *The ratio of public employees to managerial employees; and*]

14 [(C) *The number of positions authorized for managerial employees who do not act in a supervisory*
15 *capacity and a description of the duties assigned to those positions.*]

16 (3) As used in this section:

17 (a) “Legislatively adopted budget” means the budget enacted by the Legislative Assembly during
18 an odd-numbered year regular session.

19 [(b) *“Managerial employee” has the meaning given that term in ORS 243.650.*]

20 [(c) *“Public employee” has the meaning given that term in ORS 243.650.*]

21 [(d) *“State government” means every state officer, board, commission, department, institution,*
22 *branch or agency whose costs are paid wholly or in part from funds held in the State Treasury.*]

23 [(e) *“Supervisory employee” has the meaning given that term in ORS 243.650.*]

24 **(b)(A) “State agency” means all state officers, boards, commissions, departments, insti-**
25 **tutions, branches, agencies, divisions and other entities, without regard to the designation**
26 **given to those entities, that are within the executive department of government as described**
27 **in section 1, Article III of the Oregon Constitution.**

28 **(B) “State agency” does not include:**

29 **(i) The legislative department as defined in ORS 174.114;**

30 **(ii) The judicial department as defined in ORS 174.113;**

31 **(iii) The Public Defense Services Commission;**

32 **(iv) The Secretary of State and the State Treasurer in the performance of the duties of**
33 **their constitutional offices;**

34 **(v) Semi-independent state agencies listed in ORS 182.454;**

35 **(vi) The Oregon Tourism Commission;**

36 **(vii) The Oregon Film and Video Office;**

37 **(viii) The Oregon University System;**

38 **(ix) The Oregon Health and Science University;**

39 **(x) The Travel Information Council;**

40 **(xi) Oregon Corrections Enterprises;**

41 **(xii) The Oregon State Lottery Commission;**

42 **(xiii) The State Accident Insurance Fund Corporation;**

43 **(xiv) The Oregon Health Insurance Exchange Corporation;**

44 **(xv) The Oregon Utility Notification Center;**

45 **(xvi) Oregon Community Power;**

- 1 **(xvii) The Citizens' Utility Board;**
2 **(xviii) A special government body as defined in ORS 174.117;**
3 **(xix) Any other public corporation created under a statute of this state and specifically**
4 **designated as a public corporation; and**
5 **(xx) Any other semi-independent state agency denominated by statute as a semi-**
6 **independent state agency.**
7 **(b) "Supervisory employee" has the meaning given that term in ORS 243.650.**
8 **SECTION 3. This 2012 Act being necessary for the immediate preservation of the public**
9 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
10 **on its passage.**

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