

**Enrolled**  
**House Bill 4131**

Sponsored by Representative DEMBROW; Representatives BAILEY, BARKER, BUCKLEY, DOHERTY, GELSER, HARKER, HOYLE, HUNT, KOMP, KOTEK, MATTHEWS, NOLAN, READ, SCHAUFLEER, SHEEHAN, J SMITH, WHISNANT, WITT, Senators DINGFELDER, JOHNSON, MONNES ANDERSON (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to ratio of state agency public employees to supervisory employees; creating new provisions; amending ORS 291.229; and declaring an emergency.

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

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

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

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

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

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

**(b) Not later than October 31 of each subsequent year, shall lay off or reclassify the number of supervisory employees necessary to increase the agency's ratio of employees to supervisory employees so that the ratio is at least one additional employee to supervisory employees.**

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

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

(5) As used in this section:

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

(B) "State agency" does not include:

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

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

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

291.229. (1) The Oregon Department of Administrative Services shall develop a plan for [*agencies of state government*] **state agencies** that employ more than 100 employees to attain a ratio of 11 to 1 of [*public*] employees **of state agencies who are not supervisory employees** to supervisory employees [*and managerial employees acting in a supervisory capacity*]. The plan shall be used to develop the legislatively adopted budget and may provide for a transition to the ratio specified in this subsection during a period lasting more than one biennium.

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

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

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

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

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

(3) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(xi) Oregon Corrections Enterprises;**

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

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

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

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

**(xvi) Oregon Community Power;**

**(xvii) The Citizens' Utility Board;**

**(xviii) A special government body as defined in ORS 174.117;**

**(xix) Any other public corporation created under a statute of this state and specifically designated as a public corporation; and**

**(xx) Any other semi-independent state agency denominated by statute as a semi-independent state agency.**

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

**SECTION 3.** This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

**Passed by House February 29, 2012**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate March 2, 2012**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2012

**Approved:**

.....M,....., 2012

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2012

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Kate Brown, Secretary of State