

HOUSE AMENDMENTS TO HOUSE BILL 4131

By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

February 9

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

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

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

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

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

19 **“(a) May not fill the position of a supervisory employee or of a managerial employee**
20 **acting in a supervisory capacity until the agency has increased the agency’s ratio of public**
21 **employees to supervisory employees and managerial employees acting in a supervisory ca-**
22 **capacity by at least one additional public employee; and**

23 **“(b) Not later than October 31 of each subsequent year, shall lay off or reclassify the**
24 **number of supervisory employees and managerial employees acting in a supervisory capacity**
25 **necessary to increase the agency’s ratio of public employees to supervisory employees and**
26 **managerial employees acting in a supervisory capacity so that the ratio is at least one addi-**
27 **tional public employee to supervisory employees and managerial employees acting in a su-**
28 **pervisory capacity.**

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

34 **“(4) As used in this section:**

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

1 “(b) ‘Public employee’ has the meaning given that term in ORS 243.650.
2 “(c) ‘State government’ means every state officer, board, commission, department, in-
3 stitution, branch or agency whose costs are paid wholly or in part from funds held in the
4 State Treasury, except:
5 “(A) The Legislative Assembly and the courts, and their officers and committees;
6 “(B) The Public Defense Services Commission; and
7 “(C) The Secretary of State and the State Treasurer in the performance of the duties of
8 their constitutional offices.
9 “(d) ‘Supervisory employee’ has the meaning given that term in ORS 243.650.
10 “SECTION 2. This 2012 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
12 on its passage.”
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