

D R A F T

SUMMARY

Deletes Oregon Corrections Enterprises from list of state agencies exempt from requirement that state agencies achieve ratio of at least 11 to 1 of nonsupervisory employees to supervisory employees.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the ratio of state agency public employees to supervisory em-
3 ployees; amending section 1, chapter 101, Oregon Laws 2012; repealing
4 ORS 291.229; and declaring an emergency.

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

6 **SECTION 1.** Section 1, chapter 101, Oregon Laws 2012, is amended to
7 read:

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

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

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

20 (2) [*Notwithstanding ORS 291.229,*] A state agency that employs more than

1 100 employees and has complied with the requirements of subsection (1) of
2 this section, but has not attained a ratio of at least 11 to 1 of employees of
3 the state agency who are not supervisory employees to supervisory employ-
4 ees:

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

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

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

18 (4) Upon application from a state agency, the Oregon Department of Ad-
19 ministrative Services may grant a state agency an exception from the re-
20 quirements of subsections (1) to (3) of this section if the department
21 determines that the exception is warranted due to unique or emergency cir-
22 cumstances. The department shall report all exceptions granted under this
23 subsection to the Joint Committee on Ways and Means, the Joint Interim
24 Committee on Ways and Means or the Emergency Board.

25 (5) As used in this section:

26 (a)(A) "State agency" means all state officers, boards, commissions, de-
27 partments, institutions, branches, agencies, divisions and other entities,
28 without regard to the designation given to those entities, that are within the
29 executive [*department*] **branch** of government as described in [*section 1,*]
30 Article III, **section 1**, of the Oregon Constitution.

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

- 1 (i) The legislative department as defined in ORS 174.114;
2 (ii) The judicial department as defined in ORS 174.113;
3 (iii) The Public Defense Services Commission;
4 (iv) The Secretary of State and the State Treasurer in the performance
5 of the duties of their constitutional offices;
6 (v) Semi-independent state agencies listed in ORS 182.454;
7 (vi) The Oregon Tourism Commission;
8 (vii) The Oregon Film and Video Office;
9 (viii) The Oregon University System;
10 (ix) The Oregon Health and Science University;
11 (x) The Travel Information Council;
12 [(xi) *Oregon Corrections Enterprises*];
13 [(xii)] (xi) The Oregon State Lottery Commission;
14 [(xiii)] (xii) The State Accident Insurance Fund Corporation;
15 [(xiv)] (xiii) The Oregon Health Insurance Exchange Corporation;
16 [(xv)] (xiv) The Oregon Utility Notification Center;
17 [(xvi)] (xv) Oregon Community Power;
18 [(xvii)] (xvi) The Citizens' Utility Board;
19 [(xviii)] (xvii) A special government body as defined in ORS 174.117;
20 [(xix)] (xviii) Any other public corporation created under a statute of this
21 state and specifically designated as a public corporation; and
22 [(xx)] (xix) Any other semi-independent state agency denominated by
23 statute as a semi-independent state agency.
24 (b) "Supervisory employee" has the meaning given that term in ORS
25 243.650.

26 **SECTION 2. ORS 291.229 is repealed.**

27 **SECTION 3. This 2013 Act being necessary for the immediate pres-**
28 **ervation of the public peace, health and safety, an emergency is de-**
29 **clared to exist, and this 2013 Act takes effect on its passage.**

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