

HB 3165

Relating to the ratio of public employees to supervisory employees

The measure specifies the type of exceptions that Director of the Department of Administrative Services (DAS) may grant an agency from the 11 to 1 non-supervisory employee to supervisory employee ratio required by statute for those agencies with greater than 100 employees. With the amendment, the measure allows for the granting of an exception by the director of the Department of Administrative Services due to an agency having supervisory employees exercising authoring over non state-employee personnel, a large number of part-time or seasonal employees, or other unique personnel need. The bill also requires the DAS director to notify the agent of the employees in the appropriate bargaining unit for the agency requesting an exception and removes the statutory requirement for the department to develop plan for state agencies to attain 11 to 1 supervisory ratio substituting instead a rewording of the statute that requires DAS to report to the Joint Committee on Ways and Means on the actions taken by agencies to achieve the required ratio; declares emergency, effective on passage.

The General Government Subcommittee recommends HB 3165 be amended and reported out do pass, as amended.

Joint Committee on Ways and Means

Carrier – House: Rep. Nathanson
Carrier – Senate: Sen. Whitsett

Revenue:

Fiscal: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

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Meeting Date: June 26, 2013

WHAT THE MEASURE DOES: The measure specifies the type of exceptions that Director of Department of Administrative Services may grant from staffing restrictions related to the 11 to 1 supervisory ratio required by statute, allowing for the granting of an exception due to an agency having supervisory employees exercising authoring over non state-employee personnel, a large number of part-time or seasonal employees, or other unique personnel need; requires director to notify bargaining agent of employees in appropriate bargaining unit for agency requesting exception; repeals the statutory requirement for the department to develop plan for state agencies to attain 11 to 1 supervisory ratio substituting instead a rewording of the statute that requires DAS to report to the Joint Committee on Ways and Means the actions taken by agencies to achieve the required ratio; declares emergency, effective on passage.

ISSUES DISCUSSED:

- Types of exemptions
- Examples of exemptions
- Ability of DAS to create exemptions by category

EFFECT OF COMMITTEE AMENDMENT:

The amendment removes the provision from the bill that allows the director of DAS to grant exception due to unique or emergency circumstances generally and adds a provision that allows for the granting of an exception due to an agency having supervisory employees exercising authoring over non state-employee personnel, a large number of part-time or seasonal employees, or other unique personnel need. The amendment also eliminates the repeal of ORS 291.229, substituting instead a rewording of the statute that requires DAS to report to the Joint Committee on Ways and Means the actions taken by agencies to achieve the required ratio.

BACKGROUND: In 2011, the Legislative Assembly enacted House Bill 2020, establishing a target supervisory ratio of 11 public employees to 1 supervisory employee across all state agencies with at least 100 employees. House Bill 4131 (2012) clarified and reinforced the requirement. Statute currently prohibits an agency from filling vacant supervisory positions until the agency meets the 11 to 1 ratio or has increased its ratio by one employee from the preceding year. October 31st is the specified date for agencies to have improved their ratios, or to lay off or reclassify employees sufficient to achieve the one employee increase.

House Bill 3165 specifies the types of exceptions, based on unique or emergency circumstances, that the Director of the Department of Administrative Services may grant from staffing restrictions applied to agencies not yet meeting the 11 to 1 supervisory ratio.

HB 3165-A5
(LC 2632)
6/19/13
(TR/DAJ/DH/ps)

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3165**

1 On page 1 of the printed A-engrossed bill, line 2, after “amending” insert
2 “ORS 291.229 and”.

3 In line 3, delete “repealing ORS 291.229;”.

4 In line 6, restore the bracketed material.

5 In line 15, restore the bracketed material.

6 On page 2, line 7, restore the period and delete the rest of the line.

7 In line 8, delete “unique or emergency circumstances.”.

8 In line 11, delete the second “or”.

9 In line 15, delete the period and insert “; or

10 “(c) The director determines is warranted because the state agency has
11 supervisory employees exercising authority over personnel who are not em-
12 ployees of the state agency, the state agency has a significant number of
13 part-time or seasonal employees or the state agency has another unique
14 personnel need.”.

15 On page 3, delete line 8 and insert:

16 **“SECTION 2.** ORS 291.229, as amended by section 2, chapter 101, Oregon
17 Laws 2012, is amended to read:

18 “291.229. [(1) *The Oregon Department of Administrative Services shall de-*
19 *velop a plan for state agencies that employ more than 100 employees to attain*
20 *a ratio of 11 to 1 of employees of state agencies who are not supervisory em-*
21 *ployees to supervisory employees. The plan shall be used to develop the*
22 *legislatively adopted budget and may provide for a transition to the ratio*

1 *specified in this subsection during a period lasting more than one biennium.]*

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

8 **“(1) As part of the development of the legislatively adopted budget**
9 **in each odd-numbered year regular session of the Legislative Assem-**
10 **bly, the Oregon Department of Administrative Services shall make a**
11 **report to the Joint Committee on Ways and Means on the actions**
12 **taken by state agencies during the previous biennium to attain a ratio**
13 **of at least 11 nonsupervisory employees to every supervisory employee,**
14 **as defined in ORS 243.650.**

15 *“(3) (2) As used in this section:*

16 *“(a) ‘Legislatively adopted budget’ means the budget enacted by the Legis-*
17 *lative Assembly during an odd-numbered year regular session.]*

18 *“(b)(A) (a) ‘State agency’ means all state officers, boards, commissions,*
19 *departments, institutions, branches, agencies, divisions and other entities,*
20 *without regard to the designation given to those entities, that are within the*
21 *executive department of government as described in [section 1,] Article III,*
22 **section 1,** *of the Oregon Constitution.*

23 *“(B) (b) ‘State agency’ does not include:*

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

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

26 *“(iii) (C) The Public Defense Services Commission;*

27 *“(iv) (D) The Secretary of State and the State Treasurer in the per-*
28 *formance of the duties of their constitutional offices;*

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

30 *“(vi) (F) The Oregon Tourism Commission;*

1 “[(vii)] **(G)** The Oregon Film and Video Office;
2 “[(viii)] **(H)** The Oregon University System;
3 “[(ix)] **(I)** The Oregon Health and Science University;
4 “[(x)] **(J)** The Travel Information Council;
5 “[(xi)] **(K)** Oregon Corrections Enterprises;
6 “[(xii)] **(L)** The Oregon State Lottery Commission;
7 “[(xiii)] **(M)** The State Accident Insurance Fund Corporation;
8 “[(xiv)] **(N)** The Oregon Health Insurance Exchange Corporation;
9 “[(xv)] **(O)** The Oregon Utility Notification Center;
10 “[(xvi)] **(P)** Oregon Community Power;
11 “[(xvii)] **(Q)** The Citizens’ Utility Board;
12 “[(xviii)] **(R)** A special government body as defined in ORS 174.117;
13 “[(xix)] **(S)** Any other public corporation created under a statute of this
14 state and specifically designated as a public corporation; and
15 “[(xx)] **(T)** Any other semi-independent state agency denominated by
16 statute as a semi-independent state agency.
17 “[(c) ‘Supervisory employee’ has the meaning given that term in ORS
18 243.650.]”.

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