

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3342**Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Measure Description:

Prohibits public employer from assisting, promoting or deterring union organizing and from using public property to hold meeting with employee or supervisor if purpose of meeting is to assist, promote or deter union organizing.

Government Unit(s) Affected:

Bureau of Labor and Industries (BOLI), Employment Relations Board, Statewide

Summary of Expenditure Impact:

Please see analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

The measure prohibits a public employer from using public funds or engaging in actions to assist, promote or deter union organizing, using public property to hold meetings with employees or supervisors to assist, promote, or deter union organizing, taking adverse action against any individual because the individual seeks to enforce the provisions of the act or participates in investigations, hearings, or other proceedings to enforce the provisions of the act. The bill requires the Bureau of Labor and Industries (BOLI) to administer the act, providing investigative, administrative, and enforcement functions related to the provisions of the act. In doing so, the measure authorizes BOLI, or any taxpayer, to bring civil suit against a public employer for alleged violations of the act and allows for a civil penalty of three times the values of funds used in violation of the act to be assessed by BOLI against a public employer who violates the provisions of the act. Public employers subject to the provisions of the bill are the State of Oregon, cities, counties, community colleges, school districts, mass transit districts, metropolitan service districts, public service corporations, municipal corporations, public corporations, and quasi-public corporations. The measure also provides expanded mechanisms for non-union employees to participate or petition for participation in represented contract bargaining.

The measure has two potential cost components, both of which have indeterminate costs depending on the number and complexity of violations alleged, either by BOLI or individual taxpayers, against public employers. The first of these is the explicit administration of the act which will generally require all public employers to revise, create, or update policies to ensure compliance with the act and require BOLI to perform rulemaking, perform investigations, conduct hearings, and assess and collect civil penalties.

BOLI estimates that a 0.5 FTE civil rights field representative would be required in addition to existing staff at a biennial cost of \$55,978 from the General Fund. Although the bill allows for the application of civil penalties collected to be used for the costs of investigation of violations, conducting of hearings, and collection of damages and penalties by BOLI, it is unclear what portion of the total costs would be recovered.

The second cost component would be the prosecution and defense of civil actions. The Oregon Judicial Department estimates that the per-case cost to OJD is \$357 and that the bill will result in a number of

civil actions, but that number is unknown. The cost to BOLI for each action brought is unknown. The cost of a state agency to defend a civil action brought by either BOLI or an individual is unknown, however, the majority of state agencies responding noted that they believe that they currently conform to the requirements of the bill and therefore the act would have no or minimal impact on their agencies.