

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 9 - 1 - 0
Yeas: Barton, Fagan, Holvey, Kennemer, Matthews, Thatcher, Thompson, Witt, Doherty
Nays: Weidner
Exc.: 0
Prepared By: Jan Nordlund, Administrator
Meeting Dates: 4/24, 5/6, 5/13

WHAT THE MEASURE DOES: Includes qualified employees of the Oregon University System (OUS) in definition of “managerial employee” for collective bargaining purposes.

ISSUES DISCUSSED:

- Inadvertent exclusion of OUS employees from definition of managerial employee
- Whether statute will need to change if any universities within OUS form independent boards
- Managerial employees who teach courses

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Senate Bill 242 (2011) redefined the Oregon University System (OUS) as a public university system with greater authority and independence. One inadvertent effect of Senate Bill 242 was to exclude any OUS employees from the definition of “managerial employee” as used in Oregon’s Public Employee Collective Bargaining Act (PECBA). Managerial employees are those who are authorized to develop and carry out management decisions or who use discretionary actions to carry out employer policy. Managerial employees are excluded from the definition of “public employee,” and as such, are excluded from activities of labor organizations and collective bargaining. The current definition of “managerial employee” applies only to employees of the State of Oregon; however, due to the changes made in 2011, employees of the Oregon University System are no longer employees of the State of Oregon.

Senate Bill 264 clarifies the intent of Senate Bill 242 by specifying that OUS employees who qualify as managerial employees are included in the definition of “managerial employee” in PECBA.