

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action:	Do Pass and Be Referred to the Committee on Rules
Vote:	3 - 2 - 0
Yeas:	Monnes Anderson, Prozanski, Shields
Nays:	Baertschiger, George
Exc.:	0
Prepared By:	Channa Newell, Administrator
Meeting Dates:	5/15, 5/31

WHAT THE MEASURE DOES: Prohibits public employer from engaging in or using public funds to deter, support, assist or promote union organizing. Prohibits employer from using public property to hold meeting with employee or supervisor if purpose is to deter, support, assist or promote union organizing unless property is available without charge as meeting space for general public. Prohibits retaliation for enforcement of Act. Directs Bureau of Labor and Industries (BOLI) to adopt rules necessary to implement measure. Allows BOLI or any Oregon taxpayer to take civil action for violation. Requires Employment Relations Board include in existing bargaining units those employees who are not members of unit, but seek to be included in unit, if majority of employees seeking inclusion sign petition. Finds policy of state includes prohibition of use of public funds to subsidize interference with an employee's choice to join or be represented by labor union. Declares emergency, effective July 1, 2013.

ISSUES DISCUSSED:

- Examples of union organizing deterred by University of Oregon
- Examples of firefighters terminated after attempting to unionize
- Lack of requirement to disclose when public moneys used to deter union organizing
- Assertions that decision to unionize lies with employees, not employers

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Public Employee Collective Bargaining Act (PECBA) became effective in 1973. PECBA administers laws governing employment relations and public employers and employees in state, counties, cities, school districts, transportation districts, and other local governments. The Employment Relations Board (ERB) is responsible for enforcing PECBA and is responsible for determining appropriate bargaining units and conducting elections for representation of employees, issuing declaratory rulings and orders in contested case adjudications of unfair labor practice complaints, and resolving disputes over union representation and collective bargaining negotiations.

House Bill 3342 makes findings that public funds may not be used to subsidize interference with an employee's choice to join or be represented by a labor union, that some public employers use public funds to aid or deter union organizing efforts, and that the use of public funds to deter union organizing is contrary to the purposes for which the funds were appropriated and is wasteful of scarce public resources. To that end, the measure prohibits a public employer from engaging in or use public funds to support, assist, promote, or deter union organizing. The measure places limits on the use of public property for such purposes and prohibits retaliation against employees who seek enforcement of the measure. Additionally, the Bureau of Labor and Industries is tasked with enforcing the measure, including adoption of rules. The measure allows for a right of action by the Bureau, or by any Oregon taxpayer.

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This summary has not been adopted or officially endorsed by action of the committee.