

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3342 - A

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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Date:

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:

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; making these actions an unfair labor practice of a public employer. The Employment Relations Board (ERB) is designated by the act to enforce these prohibitions and required to adopt rules necessary to implement and administer compliance. The measure allows any resident of the state to intervene as plaintiff in any action brought due to violations of these prohibitions. In addition to other civil penalties provided by statute, the ERB is directed in the bill to impose a civil penalty equal to three times the amount of funds the public employer expended in violation of the prohibitions listed in the act.

Public employers subject to the provisions of the bill include 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 has two potential cost components, both of which have indeterminate costs depending primarily on the number and complexity of violations alleged 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 the Employment Relations Board to perform rulemaking, perform investigations, conduct hearings, and assess and collect civil penalties.

The second cost component would be cost to public employers for the defense of alleged violations and the processing of contested case hearings and subsequent appeals court review. The cost of a state agency or other public employer to defend an alleged violation 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. The Oregon Judicial Department estimates that the per-case cost for appellate court review is \$1,071 and that the bill will result in four to eight cases biennially.