

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Beyer, Burdick, Rosenbaum

Nays: Ferrioli, Starr

Exc.: 0

Prepared By: Lori Brocker, Administrator

Meeting Dates: 6/26, 6/27

WHAT THE MEASURE DOES: Prohibits public employer from using public funds to deter, support, assist or promote union organizing. 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. Prohibits retaliation for enforcement of measure. Specifies employer may offer opinion on union organizing, if upon request of employee. Allows paying of wages to represented employee while employee is performing duties if payment is permitted under a collected bargaining agreement. Places enforcement and rule making authority with Employment Relations Board (ERB). Allows Oregon resident to intervene in civil action for violation of measure. Makes violation an unfair labor practice under ORS 243.672. Requires ERB to fine public employer found in violation of measure an amount equal to triple the funds employer expended in prohibited activities. Requires ERB 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. Specifies that petition for representation must include statement of desire by employees to be represented and must be signed and dated by 30 percent of the employees in the unit during the 180 days prior to filing the petition. Declares emergency, effective July 1, 2013.

ISSUES DISCUSSED:

- Public employee union organizing efforts
- Effects of amendments
- Provisions of measure

EFFECT OF COMMITTEE AMENDMENT: Removes prohibition on public employer engaging in actions to assist, promote, or deter union organizing. Removes prohibition on use of public property for such activities. Specifies employer may offer opinion on union organizing, if upon request of employee. Allows paying of wages to represented employee while employee is performing duties if payment is permitted under a collected bargaining agreement. Changes enforcement and rule making authority from Bureau of Labor and Industries to Employment Relations Board. Removes requirement of written notice prior to filing suit for violation of section. Specifies resident of state may intervene as plaintiff in action, but removes ability for any taxpayer to file on behalf of people of state. Makes violation an unfair labor practice under ORS 243.672. Requires Employment Relation Board to fine public employer found in violation of measure an amount equal to triple the funds employer expended in prohibited activities. Specifies that petition for representation must include statement of desire by employees to be represented and must be signed and dated by 30 percent of the employees in the unit during the 180 days prior to filing the petition.

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.

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

House Bill 3342-A 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 public employers from using public funds to support, assist, promote, or deter union organizing. Additionally, the Employment Relations Board is tasked with enforcing the measure, including adoption of rules.