

House Bill 2208

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Department of Administrative Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies circumstances under which Director of Oregon Department of Administrative Services may grant exception to requirement that state agencies achieve ratio of at least 11 to 1 of nonsupervisory employees to supervisory employees.

Repeals requirement that Oregon Department of Administrative Services develop plan for state agencies to attain ratio of nonsupervisory employees to supervisory employees.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the ratio of state agency public employees to supervisory employees; amending section
3 1, chapter 101, Oregon Laws 2012; repealing ORS 291.229; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Section 1, chapter 101, Oregon Laws 2012, is amended to read:

6 **Sec. 1.** (1) [*Notwithstanding ORS 291.229,*] A state agency that employs more than 100 employees
7 and has not, by [*the effective date of this 2012 Act*] **April 11, 2102**, attained a ratio of at least 11 to
8 1 of employees of the state agency who are not supervisory employees to supervisory employees:

9 (a) May not fill the position of a supervisory employee until the agency has increased the
10 agency's ratio of employees to supervisory employees so that the ratio is at least one additional
11 employee to supervisory employees; and

12 (b) Shall, not later than October 31, 2012, lay off or reclassify the number of supervisory em-
13 ployees necessary to attain the increase in the ratio specified in paragraph (a) of this subsection if
14 the increase in that ratio is not attained under paragraph (a) of this subsection or through attrition.

15 (2) [*Notwithstanding ORS 291.229,*] A state agency that employs more than 100 employees and
16 has complied with the requirements of subsection (1) of this section, but has not attained a ratio of
17 at least 11 to 1 of employees of the state agency who are not supervisory employees to supervisory
18 employees:

19 (a) May not fill the position of a supervisory employee until the agency has increased the
20 agency's ratio of employees to supervisory employees by at least one additional employee; and

21 (b) Not later than October 31 of each subsequent year, shall lay off or reclassify the number of
22 supervisory employees necessary to increase the agency's ratio of employees to supervisory em-
23 ployees so that the ratio is at least one additional employee to supervisory employees.

24 (3) Layoffs or reclassifications required under this section must be made in accordance with the
25 terms of any applicable collective bargaining agreement. A supervisory employee who is reclassified
26 into a classified position pursuant to this section shall be compensated in the salary range for the
27 classified position unless otherwise provided by an applicable collective bargaining agreement.

28 (4)(a) Upon application from a state agency, the **Director of the** Oregon Department of Ad-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ministrative Services may grant a state agency an exception from the requirements of subsections
 2 (1) to (3) of this section if the [*department*] **director** determines that the exception is warranted due
 3 to unique or emergency circumstances[.] **that limit a state agency’s ability to:**

4 **(A) Meet specific criteria for required or generally accepted professional standards for**
 5 **employees;**

6 **(B) Maintain reasonable and responsible staffing;**

7 **(C) Maintain public or state agency employee safety; or**

8 **(D) Meet state agency program needs.**

9 **(b) An exception granted under paragraph (a) of this subsection may include, but is not**
 10 **limited to:**

11 **(A) An exception that applies to a particular position classification in any category of**
 12 **positions in state service, as described in ORS 240.195;**

13 **(B) An exception that applies to an entire state agency; or**

14 **(C) An exception that allows a state agency to fill a particular supervisory budgeted po-**
 15 **sition.**

16 (c) The department shall report all exceptions granted under this subsection to the Joint Com-
 17 mittee on Ways and Means, the Joint Interim Committee on Ways and Means or the Emergency
 18 Board.

19 (5) As used in this section:

20 (a)(A) “State agency” means all state officers, boards, commissions, departments, institutions,
 21 branches, agencies, divisions and other entities, without regard to the designation given to those
 22 entities, that are within the executive department of government as described in [*section 1,*] Article
 23 III, **section 1**, of the Oregon Constitution.

24 (B) “State agency” does not include:

25 (i) The legislative department as defined in ORS 174.114;

26 (ii) The judicial department as defined in ORS 174.113;

27 (iii) The Public Defense Services Commission;

28 (iv) The Secretary of State and the State Treasurer in the performance of the duties of their
 29 constitutional offices;

30 (v) Semi-independent state agencies listed in ORS 182.454;

31 (vi) The Oregon Tourism Commission;

32 (vii) The Oregon Film and Video Office;

33 (viii) The Oregon University System;

34 (ix) The Oregon Health and Science University;

35 (x) The Travel Information Council;

36 (xi) Oregon Corrections Enterprises;

37 (xii) The Oregon State Lottery Commission;

38 (xiii) The State Accident Insurance Fund Corporation;

39 (xiv) The Oregon Health Insurance Exchange Corporation;

40 (xv) The Oregon Utility Notification Center;

41 (xvi) Oregon Community Power;

42 (xvii) The Citizens’ Utility Board;

43 (xviii) A special government body as defined in ORS 174.117;

44 (xix) Any other public corporation created under a statute of this state and specifically desig-
 45 nated as a public corporation; and

1 (xx) Any other semi-independent state agency denominated by statute as a semi-independent
2 state agency.

3 (b) "Supervisory employee" has the meaning given that term in ORS 243.650.

4 **SECTION 2. ORS 291.229 is repealed.**

5 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
7 **on its passage.**

8
