

B-Engrossed
House Bill 3165

Ordered by the House June 27
Including House Amendments dated April 23 and June 27

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

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.

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.

[Allows exceptions for unique or emergency circumstances, including exceptions for particular position when necessary to maintain public safety or for unit of state agency when necessary to maintain public safety or because of geographic location of unit.]

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

Allows exceptions for particular position when necessary to maintain public safety, and for unit of state agency when necessary to maintain public safety or because of geographic location of unit. Allows exception when state agency has supervisory employees exercising authority over personnel who are not employees of state agency, state agency has significant number of part-time or seasonal employees or state agency has unique personnel need.

Requires Oregon Department of Administrative Services to report to Joint Committee on Ways and Means on actions taken by 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 ORS
3 291.229 and section 1, chapter 101, Oregon Laws 2012; 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, 2012**, 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 has
16 complied with the requirements of subsection (1) of this section, but has not attained a ratio of at
17 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

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 agency's ratio of employees to supervisory employees by at least one additional employee; and

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

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

9 (4) Upon application from a state agency, the **Director of the Oregon Department of Adminis-**
10 **trative Services** may grant a state agency an exception from the requirements of subsections (1) to
11 (3) of this section [*if the department determines that the exception is warranted due to unique or*
12 *emergency circumstances*]. **The director may grant an exception under this section that:**

13 (a) **Applies to a particular position if the director determines the exception is necessary**
14 **to allow the state agency to maintain public or state agency employee safety;**

15 (b) **Applies to a division, unit, office, branch or other smaller part of the state agency if**
16 **the director determines the exception is necessary to allow the state agency to maintain**
17 **public or state agency employee safety or because of the geographic location of the division,**
18 **unit, office, branch or other smaller part of the state agency; or**

19 (c) **The director determines is warranted because the state agency has supervisory em-**
20 **ployees exercising authority over personnel who are not employees of the state agency, the**
21 **state agency has a significant number of part-time or seasonal employees or the state agency**
22 **has another unique personnel need.**

23 (5) **Not later than five business days before the director proposes to grant an exception**
24 **under this section, the director shall notify each collective bargaining agent of the public or**
25 **state agency employees in the appropriate bargaining unit for the state agency requesting**
26 **an exception.**

27 (6) The department shall report all exceptions granted under this subsection to the Joint Com-
28 mittee on Ways and Means, the Joint Interim Committee on Ways and Means or the Emergency
29 Board.

30 [(5)] (7) As used in this section:

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

35 (B) "State agency" does not include:

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

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

38 (iii) The Public Defense Services Commission;

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

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

42 (vi) The Oregon Tourism Commission;

43 (vii) The Oregon Film and Video Office;

44 (viii) The Oregon University System;

45 (ix) The Oregon Health and Science University;

- 1 (x) The Travel Information Council;
- 2 (xi) Oregon Corrections Enterprises;
- 3 (xii) The Oregon State Lottery Commission;
- 4 (xiii) The State Accident Insurance Fund Corporation;
- 5 (xiv) The Oregon Health Insurance Exchange Corporation;
- 6 (xv) The Oregon Utility Notification Center;
- 7 (xvi) Oregon Community Power;
- 8 (xvii) The Citizens' Utility Board;
- 9 (xviii) A special government body as defined in ORS 174.117;
- 10 (xix) Any other public corporation created under a statute of this state and specifically desig-
- 11 nated as a public corporation; and
- 12 (xx) Any other semi-independent state agency denominated by statute as a semi-independent
- 13 state agency.

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

15 **SECTION 2.** ORS 291.229, as amended by section 2, chapter 101, Oregon Laws 2012, is amended

16 to read:

17 291.229. [(1) *The Oregon Department of Administrative Services shall develop a plan for state*

18 *agencies that employ more than 100 employees to attain a ratio of 11 to 1 of employees of state agencies*

19 *who are not supervisory employees to supervisory employees. The plan shall be used to develop the*

20 *legislatively adopted budget and may provide for a transition to the ratio specified in this subsection*

21 *during a period lasting more than one biennium.*]

22 [(2) *As part of the development of the legislatively adopted budget, during each odd-numbered year*

23 *regular session of the Legislative Assembly, the department shall report on the plan developed under*

24 *subsection (1) of this section to the Joint Committee on Ways and Means. The report shall include the*

25 *ratio of employees of state agencies who are not supervisory employees to supervisory employees.*]

26 **(1) As part of the development of the legislatively adopted budget in each odd-numbered**

27 **year regular session of the Legislative Assembly, the Oregon Department of Administrative**

28 **Services shall make a report to the Joint Committee on Ways and Means on the actions**

29 **taken by state agencies during the previous biennium to attain a ratio of at least 11 nonsu-**

30 **pervisory employees to every supervisory employee, as defined in ORS 243.650.**

31 [(3)] **(2)** As used in this section:

32 [(a)] *"Legislatively adopted budget" means the budget enacted by the Legislative Assembly during*

33 *an odd-numbered year regular session.*]

34 [(b)(A)] **(a)** "State agency" means all state officers, boards, commissions, departments, insti-

35 tutions, branches, agencies, divisions and other entities, without regard to the designation given to

36 those entities, that are within the executive department of government as described in [section 1,]

37 Article III, **section 1**, of the Oregon Constitution.

38 [(B)] **(b)** "State agency" does not include:

39 [(i)] **(A)** The legislative department as defined in ORS 174.114;

40 [(ii)] **(B)** The judicial department as defined in ORS 174.113;

41 [(iii)] **(C)** The Public Defense Services Commission;

42 [(iv)] **(D)** The Secretary of State and the State Treasurer in the performance of the duties of

43 their constitutional offices;

44 [(v)] **(E)** Semi-independent state agencies listed in ORS 182.454;

45 [(vi)] **(F)** The Oregon Tourism Commission;

- 1 [(vii)] (G) The Oregon Film and Video Office;
- 2 [(viii)] (H) The Oregon University System;
- 3 [(ix)] (I) The Oregon Health and Science University;
- 4 [(x)] (J) The Travel Information Council;
- 5 [(xi)] (K) Oregon Corrections Enterprises;
- 6 [(xii)] (L) The Oregon State Lottery Commission;
- 7 [(xiii)] (M) The State Accident Insurance Fund Corporation;
- 8 [(xiv)] (N) The Oregon Health Insurance Exchange Corporation;
- 9 [(xv)] (O) The Oregon Utility Notification Center;
- 10 [(xvi)] (P) Oregon Community Power;
- 11 [(xvii)] (Q) The Citizens' Utility Board;
- 12 [(xviii)] (R) A special government body as defined in ORS 174.117;
- 13 [(xix)] (S) Any other public corporation created under a statute of this state and specifically
- 14 designated as a public corporation; and
- 15 [(xx)] (T) Any other semi-independent state agency denominated by statute as a semi-
- 16 independent state agency.

17 [(c) "Supervisory employee" has the meaning given that term in ORS 243.650.]

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

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