

House Bill 3255

Sponsored by Representative JOHNSON; Representative HUFFMAN

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**.

Provides for establishment of maximum percentage by which district school board may annually increase total amount of moneys used to pay for salary and benefits of employees under collective bargaining agreement. Provides exceptions.

Applies to collective bargaining agreements entered into on or after January 1, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to payment to school district employees; creating new provisions; amending ORS 332.075;
3 and declaring an emergency.

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

5 **SECTION 1. (1) Each fiscal year, the Department of Education shall collaborate with the**
6 **Oregon Education Investment Board to calculate the percentage by which the total amount**
7 **of moneys available for distribution from the State School Fund for the fiscal year increased**
8 **as compared to the greatest total amount of moneys that were available for distribution from**
9 **the State School Fund for a fiscal year during the previous biennium.**

10 (2) Each fiscal year, the department shall communicate to each school district the per-
11 centage calculated under subsection (1) of this section for the purpose of ORS 332.075 (4).

12 **SECTION 2.** Section 1 of this 2013 Act is amended to read:

13 **Sec. 1.** (1) Each fiscal year, the Department of Education shall [*collaborate with the Oregon*
14 *Education Investment Board to*] calculate the percentage by which the total amount of moneys
15 available for distribution from the State School Fund for the fiscal year increased as compared to
16 the greatest total amount of moneys that were available for distribution from the State School Fund
17 for a fiscal year during the previous biennium.

18 (2) Each fiscal year, the department shall communicate to each school district the percentage
19 calculated under subsection (1) of this section for the purpose of ORS 332.075 (4).

20 **SECTION 3. The amendments to section 1 of this 2013 Act by section 2 of this 2013 Act**
21 **become operative March 15, 2016.**

22 **SECTION 4.** ORS 332.075 is amended to read:

23 332.075. (1) Any district school board may:

24 (a) Fix the days of the year and the hours of the day when schools shall be in session.

25 (b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141
26 and courses of study for the use of such schools as provided in ORS 336.035.

27 (c) Authorize the use of the schools for purposes of training students of an approved teacher
28 education institution, as defined in ORS 342.120, and for such purposes may enter into contracts
29 with the approved teacher education institutions on such terms as may be agreed upon. Such con-
30 tracts as they relate to student teachers shall have the same effect and be subject to the same

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 regulations as a contract between a licensed teacher and a district school board.

2 (d) Develop and operate with other school districts or community college districts secondary
 3 career and technical education programs for pupils of more than one district and fix by agreement
 4 the duration of the district's obligation to continue such activity, subject to the availability of funds
 5 therefor.

6 (e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-
 7 ganization that administers interscholastic activities or that facilitates the scheduling and pro-
 8 gramming of interscholastic activities.

9 (f) Accept money or property donated for the use or benefit of the school district and, consistent
 10 with the laws of this state, use such money or property for the purpose for which it was donated.

11 (2) All contracts of the school district must be approved by the district school board before an
 12 order can be drawn for payment. If a contract is made without the authority of the district school
 13 board, the individual making such contract shall be personally liable.

14 (3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or
 15 policy, authorize its superintendent or the superintendent's designee to enter into and approve pay-
 16 ment on contracts for products, materials, supplies, capital outlay, equipment and services that are
 17 within appropriations made by the district school board pursuant to ORS 294.456. A district school
 18 board may not authorize its superintendent or the superintendent's designee under this subsection
 19 to enter into and approve payment on contracts that are collective bargaining agreements or service
 20 contracts that include the provision of labor performed by employees of the school district.

21 **(4)(a) Except as provided by paragraph (b) of this subsection, a district school board may**
 22 **not agree under a collective bargaining agreement to an annual increase in the total amount**
 23 **of moneys used to pay for the salary and benefits of an employee of the school district, in-**
 24 **cluding longevity step pay increases, that exceeds the lesser of:**

25 **(A) The percentage calculated pursuant to section 1 of this 2013 Act; or**

26 **(B) Five percent.**

27 **(b) Nothing in this subsection:**

28 **(A) Prevents a district school board from:**

29 **(i) Providing performance-based incentives in the form of compensation or other benefits;**

30 **or**

31 **(ii) Providing a salary increase as the result of a promotion or change in duties.**

32 **(B) Requires the total cost of salary and benefits paid to an employee of a school district**
 33 **to be decreased from the previous fiscal year.**

34 **(C) Prevents the parties to a collective bargaining agreement from entering into a writ-**
 35 **ten agreement, as part of the collective bargaining process, to provide for the reopening of**
 36 **any sections of the collective bargaining agreement related to salary and benefits. Refusal**
 37 **by either party to a written agreement entered into under this subparagraph to reopen**
 38 **sections of a collective bargaining agreement related to salary and benefits is grounds for**
 39 **third party interpretation or resolution of the reopened sections only if provided for in the**
 40 **written agreement.**

41 **SECTION 5. (1) The amendments to ORS 332.075 by section 4 of this 2013 Act become**
 42 **operative January 1, 2014.**

43 **(2) The amendments to ORS 332.075 by section 4 of this 2013 Act first apply to collective**
 44 **bargaining agreements entered into on or after January 1, 2014.**

45 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
2 **on its passage.**

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