

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**House Committee On Business and Labor**

**MEASURE: HB 2213**  
**CARRIER: Rep. Evans**

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 02/23/15

**Action:** Do Pass.

**Meeting Dates:** 02/13, 02/23

**Vote:**  
Yeas: 9 - Barreto, Barton, Doherty, Evans, Fagan, Heard, Holvey, Nosse, Weidner  
Exc: 2 - Esquivel, Kennemer

**Prepared By:** Jan Nordlund, Committee Administrator

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**WHAT THE MEASURE DOES:**

Makes on-the-job safety issues an employment relation subject to collective bargaining for employees of Department of Corrections who have direct contact with inmates.

**ISSUES DISCUSSED:**

- Ability to bring safety concerns to the bargaining table
- Inability to strike if a member of a mixed bargaining unit
- Safety work rules and policies set by management
- Role of Oregon Occupational Safety and Health Administration
- Whether an emergency clause should be added
- Protection of non-uniformed staff who work around inmates

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

The Public Employee Collective Bargaining Act (PECBA), enacted in 1973, codifies the laws governing employment relations and public employers and employees in the state, counties, cities, school districts, transportation districts, and other local governments, as well as private employers not subject to the jurisdiction of the National Labor Relations Board.

Under PECBA, both the public employer and the labor organization are required to collectively bargain in good faith with respect to “employment relations,” which are defined as including (but not limited to) matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures, and other conditions of employment. Subjects that are included within “employment relations” are also called mandatory subjects of bargaining, meaning that the bargaining representative and the employer must negotiate on those subjects.

PECBA specifically includes on-the-job safety issues for certain employees, such as police officers, firefighters, and guards at a correctional institution or mental hospital, as an “employment relation” subject to bargaining. House Bill 2213 adds to the list of employees for which on-the-job safety issues are subject to bargaining those employees of the Department of Corrections who have direct contact with inmates. The measure gives the non-uniformed staff the same ability to bargain over safety issues as the uniformed staff.