

STAFF MEASURE SUMMARY

House Committee On Business and Labor

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 04/17/15

**Action:** Do Pass.

**Meeting Dates:** 04/08, 04/17

**Vote:**

Yeas: 6 - Barton, Doherty, Evans, Fagan, Holvey, Nosse

Nays: 5 - Barreto, Esquivel, Heard, Kennemer, Weidner

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

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**WHAT THE MEASURE DOES:**

Makes Oregon State Bar subject to public employee collective bargaining law.

**ISSUES DISCUSSED:**

- Rules of professional conduct for attorneys
- Whether attorneys are statutorily allowed strike
- Whether rules of professional conduct override legal permission to strike
- Status of employees who administer Professional Liability Fund
- Whether Oregon State Bar employees could organize under the National Labor Relations Act

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

Collective bargaining activities of state and local employees in Oregon are covered under the Public Employee Collective Bargaining Act (PECBA). The U.S. Postal Service and most private-sector employees are regulated by the National Labor Relations Act. Federal employees are covered under the Federal Service Labor-Management Relations statute. Under PECBA, deputy district attorneys and assistant attorneys general may organize for purposes of collective bargaining; however, deputy district attorneys are prohibited from striking, along with many public safety and emergency-related employees.

The Oregon State Bar (OSB) was established in 1935 by the Oregon Legislative Assembly to license and discipline lawyers, regulate the practice of law and provide a variety of services to bar members and the public. The OSB is a public corporation and an instrumentality of the Oregon Judicial Department, funded by membership and program fees; it is not a state agency and does not receive any financial support or taxpayer dollars from the state's General Fund. The OSB is not subject to any statute applicable to a state agency, board, commission, or public body unless the statute expressly provides that it is applicable to the Bar. House Bill 2565 applies the Public Employee Collective Bargaining Act (PECBA) to the Oregon State Bar.