



Oregon

Kate Brown, Governor

Employment Relations Board

Old Garfield School Building

528 Cottage St. NE, Ste 400

Salem, OR 97301-3807

Phone: 503-378-3807

Fax: 503-373-0021

EmpRel.Board@oregon.gov

<http://www.oregon.gov/ERB>

TO: Joint Committee on Ways and Means, Subcommittee on General Government

FROM: Adam Rhynard, Board Chair, Employment Relations Board

RE: HB 2262-2

In response to the inquiry regarding HB 2262-2, the proposed changes are not substantive, with one caveat. Section 3 of HB 2262-2 replaces “group of unrepresented employees” with “labor organization.” The reason for the change is as follows. By Board rules, unit clarification petitions were historically filed only by public employers and labor organizations. This is consistent with the practice at the federal level (the National Labor Relations Board), as well as some other similar state agencies (*e.g.*, the Washington Public Employment Relations Commission). In the case of a unit clarification petition to add employees to an existing unit, the longstanding rule was that such a petition could only be filed by a labor organization. In 2013, however, the legislature amended the statute to allow for unit clarification petitions to be processed by way of “card check.” In doing so, the amendment only listed “a group of unrepresented employees * * *” as a filer of such a petition. See 2013 Or Laws ch 663 § 8.

Section 3 of HB 2262-2 amends the statute to return to the longstanding practice of having the labor organization, rather than a group of unrepresented employees, file the unit clarification petition to add the group of unrepresented employees to an existing bargaining unit. This change was presented to stakeholders for consideration at two public meetings and was posted for any interested person on our website for approximately six months before submitting the proposed bill. The agency received no negative feedback on the bill.