

HB 2262 STAFF MEASURE SUMMARY

House Committee On Business and Labor

Action Date: 02/08/17

Action: Do pass. Refer to Ways and Means.

Vote: 9-0-0-0

Yeas: 9 - Barreto, Bynum, Doherty, Evans, Fahey, Hack, Heard, Holvey, Kennemer

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Allows Employment Relations Board to employ management service and unclassified employees. Changes title of Board's executive secretary to executive manager and changes status to an unclassified service position. Changes status of head of State Conciliation Service to unclassified position. Removes requirement that Board, at direction of executive staff, estimate future expenses and costs for purposes of state agency assessments. Allows only labor organization to petition to add unrepresented employees to existing unit. Requires petition for representation without election be signed by majority of employees. Adds employees of mass transit districts, transportation districts and municipal bus systems to statutes affecting other strike-prohibited employees.

ISSUES DISCUSSED:

- Discretion of labor organization to choose who to represent
- Justification for allowing only labor organization to petition to add unrepresented employees to unit

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Employment Relations Board (ERB) resolves disputes concerning labor relations for an estimated 3,000 employers and 250,000 employees in the public and private sector under its jurisdiction. The three-member Board administers the collective bargaining law that covers public employees of the State of Oregon and its cities, counties, school districts, and other local governments; hears and decides appeals from state employees concerning personnel actions; and administers the collective bargaining law that regulates private employers not covered by the National Labor Relations Act.

Under current law, the Employment Relations Board can hire an executive secretary, a position in the classified service. House Bill 2262 changes the title and status of that position to executive manager in the unclassified service. The measure also changes the head of the State Conciliation Service Division to an unclassified position. The executive secretary has discretion to order the Board to estimate future expenses and costs for purposes of charging state agencies an assessment. Since the method in which the Employment Relations Board is supported by state agencies has changed, House Bill 2262 removes from statute that provision.

House Bill 2262 also makes changes to the bargaining unit clarification process under the Public Employee Collective Bargaining Act (PECBA). Rather than conduct an election to determine if a majority of unrepresented employees wish to be added to an existing bargaining unit, a group of unrepresented employees can petition to be added. If the Board determines through a "card check" that a majority have signed an authorization for the labor organization to represent them, then the Board cannot conduct an election unless otherwise petitioned to do so. House Bill 2262 clarifies that only the labor organization can petition for a card check to add unrepresented employees to the unit. House Bill 2262 also resolves a statutory conflict by clarifying that a majority of employees petitioning for

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representation must sign the petition.

Finally, statutory provisions affecting employees who are prohibited from striking are amended by this measure to include employees of mass transit districts, transportation districts and municipal bus systems, all of which are already prohibited from striking.