

HB 2262 A STAFF MEASURE SUMMARY**Carrier:** Rep. Smith G**Joint Committee On Ways and Means****Action Date:** 06/02/17**Action:** Do pass with amendments. (Printed A-Eng.)**House Vote****Yeas:** 10 - Gomberg, Holvey, Huffman, Nathanson, Rayfield, Smith G, Smith Warner, Stark, Whisnant, Williamson**Nays:** 1 - McLane**Senate Vote****Yeas:** 9 - DeBoer, Devlin, Frederick, Hansell, Johnson, Manning Jr, Monroe, Roblan, Winters**Nays:** 2 - Girod, Thomsen**Exc:** 1 - Steiner Hayward**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** John Borden, Budget Analyst**WHAT THE MEASURE DOES:**

Provides that the Board fixes the compensation of its employees in accordance with the statewide compensation plan for employees; Eliminates requirement the Board designate an employee as its “executive secretary;” Clarifies that the agency’s state assessment is based on employees who have rights under the State Personnel Relations Law or the Public Employee Collective Bargaining Act, and that the Department of Administrative Services shall transfer those assessments into the Board’s administrative account; ERB to set standards for the assessment, including written policies and procedures; Makes the “labor organization” the petitioner to add a group of unrepresented employees to an existing unit in a card-check unit clarification petition; Provides that card-check petitions under ORS 243.682(2) must be signed and dated by a majority of employees in the proposed unit; Clarifies that strike-prohibited employee provisions include employees prohibited from striking under ORS 243.738 (rather than just ORS 243.736); Includes arbitration panel decisions for employees prohibited from striking under ORS 243.738 to the list of arbitration panel decisions governed by this provision; Provides that State Conciliator is approved by the Board chairperson; and deletes provision that the conciliator is subject to the State Personnel Relations Law.

ISSUES DISCUSSED:

- Need for the amendment
- Description of non-substantive nature of the amendment
- Recent improvements to ERB operations

EFFECT OF AMENDMENT:

Replaces the measure.

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.

Beginning in the 2013-15 biennium, at behest of the Legislature, ERB undertook a number of administrative changes to improve its processes and procedures, including: establishing timelines for issuing orders; identifying specific

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types of contested cases for expedited processing; involving stakeholders in a review of the agency's processes and procedures; establishing a Rules Advisory Committee; completing an independent review of some recent Board orders; and involving stakeholders in a discussion of complaint or other actions that lack legal merit. The result has been an elimination of all case backlogs and a substantial improvement in the timelines for processing cases. The agency also reviewed and updated its key performance measures. HB 2262 is seen as the last major substantive change, which seeks to modernizes statutes related to the agency.