Enrolled
House Bill 2332

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor Kate Brown for Oregon Department of Administrative Services)

CHAPTER ....

AN ACT

Relating to the ratio of state agency public employees to supervisory employees; creating new provisions; amending ORS 291.204; and repealing ORS 291.229 and 291.231 and section 2, chapter 622, Oregon Laws 2015.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1)(a) As part of the development of the legislatively adopted budget, each state agency that employs more than 100 employees shall report to the Joint Committee on Ways and Means the state agency's maximum supervisory ratio for the biennium.

(b) Before submitting the report to the committee, a state agency shall provide a copy of the report to all labor organizations that represent employees of the state agency.

(2) A state agency must determine its maximum supervisory ratio by starting from a baseline ratio of one to 11 and adjusting the ratio based on some or all of the following factors:

(a) Safety of the public or of state agency employees;

(b) Geographic location of the agency's employees;

(c) Complexity of the agency's duties;

(d) Industry best practices and standards;

(e) Size and hours of operation of the agency;

(f) Unique personnel needs of the agency, including the agency's use of volunteers or seasonal or temporary employees, or the exercise of supervisory authority by agency supervisory employees over personnel who are not agency employees; and

(g) Financial scope and responsibility of the agency.

(3) The Joint Committee on Ways and Means shall review the maximum supervisory ratios reported by state agencies. The committee shall include the maximum supervisory ratio in a budget report or budget note for each state agency that reported a maximum supervisory ratio.

(4) Subject to subsection (5) of this section, a state agency whose actual supervisory ratio is greater than its maximum supervisory ratio may not fill a supervisory position.

(5)(a) The Oregon Department of Administrative Services may exempt a state agency from the limitations of subsection (4) of this section if the department determines that an additional supervisory position is reasonably necessary to the state agency. The department must make the determination with reference to some or all of the factors set forth in subsection (2) of this section.

(b) At least five business days before granting an exemption under this subsection, the department shall notify all labor organizations that represent employees of the state agency of its intent to grant the exemption.

(6)(a) The department shall, once per quarter, produce reports on the actual supervisory ratio of each state agency. The reports must include data on job families within each state agency to the extent such data is reasonably available.

(b) The department shall make the reports publicly available on the Internet and shall notify all labor organizations that represent state employees when the reports are available.

(7) The department may adopt rules for the administration of this section, including rules governing how temporary, seasonal or part-time employees are accounted for in the calculation of a supervisory ratio.

(8) As used in this section:

(a) "Job families" means groups of occupations based upon work performed, skills, education, training and credentials.

(b) "Legislatively adopted budget" has the meaning given that term in ORS 291.002.

(c)(A) "State agency" means all state officers, boards, commissions, departments, institutions, branches, agencies, divisions and other entities, without regard to the designation given to those entities, that are within the executive branch of government as described in Article III, section 1, of the Oregon Constitution.

(B) "State agency" does not include:

(i) The legislative department as defined in ORS 174.114;

(ii) The judicial department as defined in ORS 174.113;

(iii) The Public Defense Services Commission;

(iv) The Secretary of State and the State Treasurer;

(v) Semi-independent state agencies listed in ORS 182.454;

(vi) The Oregon Tourism Commission;

(vii) The Oregon Film and Video Office;

(viii) Public universities listed in ORS 352.002;

(ix) The Oregon Health and Science University;

(x) The Travel Information Council;

(xi) Oregon Corrections Enterprises;

(xii) The Oregon State Lottery Commission;

(xiii) The State Accident Insurance Fund Corporation;

(xiv) The Oregon Utility Notification Center;

(xv) Oregon Community Power;

(xvi) The Citizens' Utility Board;

(xvii) A special government body as defined in ORS 174.117;

(xviii) Any other public corporation created under a statute of this state and specifically designated as a public corporation; and

(xix) Any other semi-independent state agency denominated by statute as a semi-independent state agency.

(d) "Supervisory employee" has the meaning given that term in ORS 243.650.

(e) "Supervisory ratio" means the ratio of employees who are supervisory employees to employees who are not supervisory employees.

SECTION 2. ORS 291.204, as amended by section 14, chapter 117, Oregon Laws 2016, is amended to read:

291.204. (1) The Oregon Department of Administrative Services, by July 1 of each even-numbered year, shall furnish every state agency with**:**

(a) Instructions for preparing for submission to the Governor the information required by the Governor in the preparation of the Governor's budget[.]**; and**

(b) Instructions for preparing the proposed maximum supervisory ratio report required by section 1 (1) of this 2017 Act.

(2) The Governor shall prescribe the instructions to be used by the agencies in submitting their agency request budgets as required by ORS 291.208.

SECTION 3. ORS 291.229 and 291.231 and section 2, chapter 622, Oregon Laws 2015, are repealed.

SECTION 4. Section 1 of this 2017 Act and the amendments to ORS 291.204 by section 2 of this 2017 Act apply to budgets for biennia beginning on or after July 1, 2019.

Passed by House May 16, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 1, 2017

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

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Kate Brown, Governor

Filed in Office of Secretary of State:

........................M.,.., 2017

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Dennis Richardson, Secretary of State