

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3170**

1 On page 1 of the printed A-engrossed bill, line 3, before the period insert
2 “and 243.682”.

3 On page 4, delete lines 39 through 41 and insert:

4 **“SECTION 2.** ORS 243.682 is amended to read:

5 “243.682. (1) If a question of representation exists, the Employment Re-
6 lations Board shall:

7 “(a) Upon application of a public employer, a public employee or a labor
8 organization, designate the appropriate bargaining unit, and in making its
9 determination shall consider such factors as community of interest, wages,
10 hours and other working conditions of the employees involved, the history
11 of collective bargaining, and the desires of the employees. The board may
12 determine a unit to be the appropriate unit in a particular case even though
13 some other unit might also be appropriate. **Unless a labor organization
14 and a public employer agree otherwise, the board may not designate
15 as appropriate a bargaining unit that includes:**

16 **“(A) A faculty member described in ORS 243.650 (23)(c)(C) who
17 supervises one or more other faculty members; and**

18 **“(B) Any faculty member who is supervised by a faculty member
19 described in subparagraph (A) of this paragraph.**

20 “(b) Investigate and conduct a hearing on a petition that has been filed
21 by:

1 “(A) A labor organization alleging that 30 percent of the employees in an
2 appropriate bargaining unit desire to be represented for collective bargaining
3 by an exclusive representative;

4 “(B) A labor organization alleging that 30 percent of the employees in an
5 appropriate bargaining unit assert that the designated exclusive represen-
6 tative is no longer the representative of the majority of the employees in the
7 unit;

8 “(C) A public employer alleging that one or more labor organizations has
9 presented a claim to the public employer requesting recognition as the ex-
10 clusive representative in an appropriate bargaining unit; or

11 “(D) An employee or group of employees alleging that 30 percent of the
12 employees assert that the designated exclusive representative is no longer
13 the representative of the majority of employees in the unit.

14 “(2)(a) Notwithstanding subsection (1) of this section, when an employee,
15 group of employees or labor organization acting on behalf of the employees
16 files a petition alleging that a majority of employees in a unit appropriate
17 for the purpose of collective bargaining wish to be represented by a labor
18 organization for that purpose, or when a group of unrepresented employees
19 files a petition stating that the unrepresented employees seek to be included
20 in an existing bargaining unit, the board shall investigate the petition. If the
21 board finds that a majority of the employees in a unit appropriate for bar-
22 gaining or in a group of unrepresented employees seeking to be included in
23 an existing bargaining unit have signed authorizations designating the labor
24 organization specified in the petition as the employees’ bargaining represen-
25 tative and that no other labor organization is currently certified or recog-
26 nized as the exclusive representative of any of the employees in the unit or
27 in the group of unrepresented employees seeking to be included in an exist-
28 ing bargaining unit, the board may not conduct an election but shall certify
29 the labor organization as the exclusive representative unless a petition for
30 a representation election is filed as provided in subsection (3) of this section.

1 “(b) The board by rule shall develop guidelines and procedures for the
2 designation by employees of a bargaining representative in the manner de-
3 scribed in paragraph (a) of this subsection. The guidelines and procedures
4 must include:

5 “(A) Model collective bargaining authorization language that may be used
6 for purposes of making the designations described in paragraph (a) of this
7 subsection;

8 “(B) Procedures to be used by the board to establish the authenticity of
9 signed authorizations designating bargaining representatives;

10 “(C) Procedures to be used by the board to notify affected employees of
11 the filing of a petition requesting certification under subsection (3) of this
12 section;

13 “(D) Procedures for filing a petition to request a representation election,
14 including a timeline of not more than 14 days after notice has been delivered
15 to the affected employees of a petition filed under paragraph (a) of this
16 subsection; and

17 “(E) Procedures for expedited resolution of any dispute about the scope
18 of the appropriate bargaining unit. The resolution of the dispute may occur
19 after an election is conducted.

20 “(c) Solicitation and rescission of a signed authorization designating
21 bargaining representatives are subject to the provisions of ORS 243.672.

22 “(3)(a) Notwithstanding subsection (2) of this section, when a petition
23 requesting certification has been filed under subsection (2) of this section,
24 an employee or a group of employees in the unit designated by the petition,
25 or one or more of the unrepresented employees seeking to be included in an
26 existing bargaining unit, may file a petition with the board to request that
27 a representation election be conducted.

28 “(b) The petition requesting a representation election must be supported
29 by at least 30 percent of the employees in the bargaining unit designated by
30 the petition, or 30 percent of the unrepresented employees seeking to be in-

1 cluded in an existing bargaining unit.

2 “(c) The representation election shall be conducted on-site or by mail not
3 later than 45 days after the date on which the petition was filed.

4 “(4) Except as provided in ORS 243.692, if the board finds in a hearing
5 conducted pursuant to subsection (1)(b) of this section that a question of
6 representation exists, the board shall conduct an election by secret ballot,
7 at a time and place convenient for the employees of the jurisdiction and also
8 within a reasonable period of time after the filing has taken place, and cer-
9 tify the results of the election.

10 **“SECTION 3. The amendments to ORS 243.650 and 243.682 by
11 sections 1 and 2 of this 2017 Act apply to bargaining units certified or
12 recognized on or after the effective date of this 2017 Act.”**

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