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Legislative Testimony- House Bill 2016
House Committee on Business and Labor
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Chair Baker and members of the House Committee on Business and Labor:

As a labor attorney in private practice representing a number of public-sector unions in Oregon, I submit this testimony in support of House Bill 2016. My testimony focuses on Sections 6, 9, and 12-19 of HB 2016.

Section 6

The US Supreme Court's *Janus* decision forced some changes in the process by which public employees and employers handle deductions of dues and other voluntary payments to unions. Overall, Section 6 formalizes and codifies some of the best practices in this area that public employers and public sector unions have embraced since the *Janus* decision, both in Oregon and nationally. Section 6 combines existing statutes that were unclear in order to give straightforward direction to public employers and unions about each entity's role in the dues deduction process. This includes providing clarity that employee authorizations for deduction and remittance to a union are agreements between the union and the employee that exist independent of the employee's membership status in the union, and are implemented according to the terms of that agreement. Section 6 modernizes the mechanics of the process by which public employees authorize deduction of union dues or payments by clearly permitting employees to authorize these payments electronically and by phone. Section 6 also clarifies the Union's primary responsibility for the time-consuming administrative task of keeping accurate records of current employee authorizations for employer deductions. As a result, employers rely on a simple list of deduction information provided by unions and are indemnified by the union for any unauthorized deductions that may result from errors in that information. Besides being more convenient for both employers and unions, this avoids the potential of unions and employers receiving conflicting authorization directions from public employees. Placing the union in this role also honors the privacy of public employees and their choice about whether or not to become a member of a union, since employers' payroll departments receive only the information necessary to effectuate the employee's deduction authorization and not full details of the employee's union membership status. Finally, Section 6 provides a clear and efficient dispute resolution process, through the Employment Relations Board, for employees and unions

to resolve disagreements over the status of deduction authorizations. In sum, the proposed changes clarify confusing or unsettled aspects of the law, clearly delineate the roles of unions and employers in payroll deduction procedures, and relieve public employers of the responsibility of tracking the particulars of employees' union membership status and deduction authorizations.

Section 9

The Supreme Court's *Janus* decision held mandatory fair-share payments to unions by non-member public employees to be unconstitutional. ORS 243.666(1) authorized an alternative to fair-share payments for those with bona fide religious objections to union membership. Because mandatory fair-share payments are no longer required, ORS 243.666 is no longer applicable. Section 9 simply repeals this inapplicable procedure for religious objections.

Sections 12-19

Section 6 (discussed above) comprehensively rewrites provisions concerning authorization for the deduction of union dues or payments, some of which are currently located in ORS 292.055. Sections 12-18 remove references through Public Employee Collective Bargaining Act (PECBA) to ORS 292.055. Section 19 formally repeals ORS 292.055, as well as ORS 243.776, which applies ORS 292.055 to all public employers.

HB 2016 proposes modest and responsible changes to the PECBA to encourage productive relationships between unions and public employers. I strongly support HB 2016.

Respectfully,

/s/

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