

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

Measure: HB 2016 - A13

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Requires public employer to grant reasonable paid time to public employee who is designated representative to engage in certain activities.

Government Unit(s) Affected:

Counties, Statewide, Cities

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

The measure would make several changes to the Public Employee Collective Bargaining Act, which applies to all public employers in the State of Oregon.

Statewide

The measure would require every public employer to give employees “reasonable” paid leave time for union-related activities. A public employer would also be required to provide an exclusive representative access to employees in a bargaining unit and disclose employees’ personal information to the representative within a certain amount of time.

The measure would codify some of the existing collective bargaining (CBA) procedures between public employers and employees. CBAs specify the union-related activities in which a represented member may engage. They also provide employers discretion to manage or limit union-related activity to meet their workload needs. Union release time is paid by the employer and subsequently reimbursed by the exclusive representative.

There are several variables, however, that make the fiscal impact of this measure indeterminate. First, it is unclear how many employees may become a “designated representative.” The measure does not appear to have any limit. Second, it is unclear how much “release time” public employees would demand for conducting union-related activities. The measure includes an expansive list of activities for which employers must grant paid leave, including an “other duties” category. It appears that there would be no limit to the volume or frequency of mandated paid leave. Third, whether employee paid time may be used to conduct union-related activity via electronic mail is unclear. This activity does not appear to be eligible for reimbursement to the employer. Lastly, the measure would expand the body of union-related activities, beyond those protected by a CBA, to include processing not just workplace grievances, but also processing “other workplace-related complaints.”

Because of these ambiguities, the costs associated with this measure are difficult to quantify. If more employees make use of this union-activity leave and employers have limited discretion to limit or deny employee use of leave, then that staff workload would be reassigned to other employees in a work unit. In other words, other employees in the work unit may have to complete the subject employee’s work and incur overtime costs that would otherwise be unnecessary. The measure also would not restrict leave to specific positions. Any number of

current state employees could opt to work for the union in various positions. While the union would have to reimburse the employer for its personnel costs, there would be still be a gap in the state workforce requiring work to be either reassigned or new staff hired.

Depending on the number of violations, public employers could incur additional litigation costs to defend against legal actions alleging unfair labor practices. However, these costs would depend on employer compliance and union member participation.

Cities and Counties

Like state agencies, the measure would require Cities and Counties to give employees “reasonable” paid leave time for union-related activities, provide an exclusive representative access to the employees in a bargaining unit, and disclose employees’ personal information to the representative within a certain amount of time. While public funds would be used for union activities, the fiscal impact to Cities and Counties would depend on employer compliance and union member participation. Nevertheless, the measure may constitute an unfunded mandate, according to the Association of Oregon Counties.

For the foregoing reasons, the fiscal impact of the measure is indeterminate to both state and local government.