

## FISCAL IMPACT OF PROPOSED LEGISLATION

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

Measure: HB 2016 - A

*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:**

Statewide, Counties, 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. The measure would apply to all public employers in the State of Oregon at both the state and local level.

### **Statewide:**

The measure would require public employers to give paid leave time for union-related activities. A public employer would 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 represented members 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" that 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 is 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 "other workplace-related complaints," not just grievances.

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 that otherwise would be unnecessary. The measure also would not restrict leave to specific positions. That would mean 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 potential legal actions alleging unfair labor practices. However, these costs would depend on employer compliance and union member participation.

**Cities and Counties:**

The measure would require cities and counties to grant “reasonable” paid release time to public employees who are designated representatives for employees in a bargaining unit to conduct union-related activities. 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.