

**SB 383 A STAFF MEASURE SUMMARY****Carrier:** Sen. Frederick**Senate Committee On Judiciary****Action Date:** 04/04/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**Meeting Dates:** 2/26, 4/1, 4/4**WHAT THE MEASURE DOES:**

Requires disciplinary action ordered as a result of arbitration involving misconduct by a sworn employee of a law enforcement agency to match the disciplinary action imposed by the agency, if the arbitrator makes a finding of misconduct consistent with the law enforcement agency's finding of misconduct and the disciplinary action was imposed pursuant to a discipline guide or matrix. Makes disciplinary guide or matrix subject of collective bargaining. Applies to sworn employees of law enforcement agencies. Defines discipline guide and discipline matrix. Applies to collective bargaining agreements entered into on or after effective date of Act.

**ISSUES DISCUSSED:**

- Process for discipline of law enforcement officers
- Outcome of arbitration may be substantially different from discipline imposed by employer
- City of Portland required to have and use a disciplinary matrix
- Collective bargaining on terms of disciplinary guide

**EFFECT OF AMENDMENT:**

Clarifies that disciplinary action imposed by arbitration award may not differ from disciplinary action imposed by agency, if the agency action is consistent with provisions of disciplinary guide or matrix adopted by agency as a result of collective bargaining and incorporated into the agency's disciplinary policies. Defines disciplinary guide and matrix. Makes development of a discipline guide or discipline matrix involving sworn employees of a law enforcement agency, a component of employment relations subject to collective bargaining. Applies to collective bargaining agreements entered into on or after effective date of Act.

**BACKGROUND:**

Many state and local government employees, including employees of states, counties, cities, and school districts, are subject to the Public Employee Collective Bargaining Act (PECBA). Law enforcement officers are covered under PECBA. A public employer and a collective bargaining unit may reach a written agreement on grievance procedures. As a condition of enforceability, an arbitration award that orders the reinstatement of public employee or otherwise relieves the employee of responsibility for misconduct must comply with clearly defined public policy in statute or judicial decisions. Resolution of disputes over conditions and terms of a contract may be resolved through binding arbitration.

Senate Bill 383 A requires an arbitrator who makes a finding of misconduct consistent with the law enforcement agency's finding of misconduct to impose the same disciplinary action that was imposed by the agency, so long as the discipline was done pursuant to a discipline guide or matrix that was adopted by the agency as a result of collective bargaining.