

SB 1567 A -A4 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 2/25, 2/26

WHAT THE MEASURE DOES:

Requires disciplinary action ordered as a result of arbitration involving misconduct by a sworn law enforcement officer of law enforcement agency, as defined in ORS 131.930, 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. Defines discipline guide and discipline matrix. Applies to collective bargaining agreements entered into on or after effective date of Act. Declares emergency, effective on passage.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Requiring the discipline guide or matrix to be collectively bargained

EFFECT OF AMENDMENT:

-A4 Removes provisions prohibiting arbitrator from changing discipline when arbitrator makes a finding of misconduct consistent with that of agency and discipline was as a result of collectively bargained guide or matrix. Allows arbitrator to rescind or reduce a disciplinary action imposed by a law enforcement agency for discipline imposed pursuant to a guide or matrix that is included in the terms of a collective bargain agreement if award is in writing and is consistent with provisions of guide or matrix and based on mitigating circumstances consistent with "just cause." Defines just cause as that found in ORS 236.350 that is "a cause reasonably related to the public safety officer's ability to perform required work. The term includes a willful violation of reasonable work rules, regulations or written policies."

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 1567-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.