

SB 1567 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 02/12/20
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Linthicum, Olsen, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Channa Newell, Counsel
Meeting Dates: 2/10, 2/12

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.

ISSUES DISCUSSED:

- Need for consistency in application of police misconduct discipline
- Process for reaching collective bargaining agreement
- Concerns with selective enforcement and deviation from guide or matrix
- Measure requires guide be subject of collective bargaining
- Amendment to clarify scope of measure
- Process of Senate Bill 383 in 2019 session

EFFECT OF AMENDMENT:

Narrows measure to apply only to sworn law enforcement officers of law enforcement agencies, as defined in ORS 131.930.

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.