

House Bill 2866

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions relating to retirement benefits for public employee who is designated representative of exclusive representative and takes release time.

A BILL FOR AN ACT

1
2 Relating to designated representatives; creating new provisions; and amending ORS 243.796 and
3 243.802.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 243.796 is amended to read:

6 243.796. As used in ORS 243.796 to 243.806:

7 (1) "Designated representative" means a public employee:

8 (a) Who is designated by the exclusive representative as a representative for the employees in
9 a bargaining unit; and

10 (b) For whom:

11 (A) Reasonable paid time is granted under ORS 243.798; or

12 (B) Release time is granted under ORS 243.802.

13 (2) "Release time" means the period of time when a public employee who is a designated rep-
14 resentative takes a leave of absence from the employee's regular public employment to conduct labor
15 organization business.

16 [(3) "*Retirement credit*" has the meaning given that term in ORS 238.005.]

17 **SECTION 2.** ORS 243.802 is amended to read:

18 243.802. (1) Except as otherwise provided under this section, a public employer and an exclusive
19 representative may negotiate and enter into written agreements whereby:

20 (a) The public employer shall provide a reasonable term of release time for public employees to
21 serve as designated representatives of the exclusive representative or an affiliated labor organiza-
22 tion.

23 (b) The public employer and the exclusive representative may agree to:

24 (A) The manner in which an exclusive representative shall request authorization for release
25 time;

26 (B) The length of release time; and

27 (C) The terms of reimbursement for the period of release time granted to the public employee
28 to serve as the designated representative.

29 (2) An agreement entered into under subsection (1) of this section does not constitute a violation
30 of ORS 243.670 or 243.672 (1)(b).

31 (3) Upon request of an exclusive representative, a collective bargaining agreement or other

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 similar written agreement entered into between a public employer and the exclusive representative
 2 before January 1, 2020, shall be reopened for negotiation regarding the authorization of release time
 3 under this section.

4 (4) At the conclusion or termination of a period of release time granted to a designated repre-
 5 sentative under this section, the designated representative shall have a right of reinstatement to the
 6 same position and work location held prior to the commencement of the release time or, if not fea-
 7 sible, to a substantially similar position without loss of seniority, rank or classification.

8 (5) Unless otherwise provided in a collective bargaining agreement or any other written agree-
 9 ment entered into between a public employer and an exclusive representative, the exclusive repre-
 10 sentative shall reimburse the public employer for any compensation that is paid to the designated
 11 representative during a period of release time. Compensation paid under this subsection includes any
 12 employer contributions made toward any employee benefits, including benefits under ORS [*chapter*]
 13 **chapters 238 and 238A**.

14 (6) A designated representative taking release time under this section shall receive full retire-
 15 ment credit **under ORS chapters 238 and 238A, as applicable**, for the entire duration of the re-
 16 lease time, as long as the designated representative **is an active member of the Public Employees**
 17 **Retirement System and** continues to meet any **other** retirement contribution obligations [*pursuant*
 18 *to ORS chapter 238 or*] pursuant to the collective bargaining agreement or any other written
 19 agreement entered into between the public employer and the exclusive representative.

20 (7) Any release time authorized under this section shall be in addition to any vacation leave,
 21 sick leave or any other form of paid or unpaid leave that is available to a public employee under
 22 state law or under a collective bargaining agreement or any other written agreement entered into
 23 between the public employer and the exclusive representative.

24 (8) An exclusive representative or a designated representative may terminate a period of release
 25 time authorized under this section at any time for any reason.

26 (9)(a) A public employer is not liable for an act or omission of, or an injury suffered by, an
 27 employee of the public employer if the act, omission or injury occurs during the course and scope
 28 of the employee serving as a designated representative for the exclusive representative during a
 29 period of release time.

30 (b) If the public employer is held liable, the exclusive representative shall indemnify the em-
 31 ployer and hold the employer harmless from all liability arising from the act, omission or injury that
 32 occurred during the period of release time.

33 (10) Agreements entered into under this section shall not be deemed an unfair labor practice
 34 under ORS 243.672.

35 **SECTION 3. The amendments to ORS 243.796 and 243.802 by sections 1 and 2 of this 2021**
 36 **Act apply to designated representatives, as defined in ORS 243.796, who take release time on**
 37 **or after the effective date of this 2021 Act.**