

House Bill 3029

Sponsored by Representative SMITH WARNER; Representative REARDON (at the request of AFSCME)

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**.

Requires Employment Relations Board to develop guidelines and procedures for authorizations designating bargaining representatives of bargaining unit to be prepared and signed electronically.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to signed authorizations designating exclusive bargaining representation; amending ORS
3 243.682; and declaring an emergency.

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

5 **SECTION 1.** ORS 243.682 is amended to read:

6 243.682. (1) If a question of representation exists, the Employment Relations Board shall:

7 (a) Upon application of a public employer, a public employee or a labor organization, designate
8 the appropriate bargaining unit, and in making its determination shall consider such factors as
9 community of interest, wages, hours and other working conditions of the employees involved, the
10 history of collective bargaining, and the desires of the employees. The board may determine a unit
11 to be the appropriate unit in a particular case even though some other unit might also be appro-
12 priate. Unless a labor organization and a public employer agree otherwise, the board may not des-
13 ignate as appropriate a bargaining unit that includes:

14 (A) A faculty member described in ORS 243.650 (23)(c)(C) who supervises one or more other
15 faculty members; and

16 (B) Any faculty member who is supervised by a faculty member described in subparagraph (A)
17 of this paragraph.

18 (b) Investigate and conduct a hearing on a petition that has been filed by:

19 (A) A labor organization alleging that 30 percent of the employees in an appropriate bargaining
20 unit desire to be represented for collective bargaining by an exclusive representative;

21 (B) A labor organization alleging that 30 percent of the employees in an appropriate bargaining
22 unit assert that the designated exclusive representative is no longer the representative of the ma-
23 jority of the employees in the unit;

24 (C) A public employer alleging that one or more labor organizations has presented a claim to
25 the public employer requesting recognition as the exclusive representative in an appropriate bar-
26 gaining unit; or

27 (D) An employee or group of employees alleging that 30 percent of the employees assert that the
28 designated exclusive representative is no longer the representative of the majority of employees in
29 the unit.

30 (2)(a) Notwithstanding subsection (1) of this section, when an employee, group of employees or
31 labor organization acting on behalf of the employees files a petition alleging that a majority of em-

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 ployees in a unit appropriate for the purpose of collective bargaining wish to be represented by a
 2 labor organization for that purpose, or when a labor organization files a petition alleging that the
 3 majority in a group of unrepresented employees seek to be added to an existing bargaining unit, the
 4 board shall investigate the petition. If the board finds that a majority of the employees in a unit
 5 appropriate for bargaining or a majority of employees in a group of unrepresented employees that
 6 is appropriate to add to an existing bargaining unit have signed authorizations designating the labor
 7 organization specified in the petition as the employees' bargaining representative and that no other
 8 labor organization is currently certified or recognized as the exclusive representative of any of the
 9 employees in the unit or in the group of unrepresented employees seeking to be added to an existing
 10 bargaining unit, the board may not conduct an election but shall certify the labor organization as
 11 the exclusive representative unless a petition for a representation election is filed as provided in
 12 subsection (3) of this section.

13 (b) The board by rule shall develop guidelines and procedures for the designation by employees
 14 of a bargaining representative in the manner described in paragraph (a) of this subsection. The
 15 guidelines and procedures must include:

16 (A) Model collective bargaining authorization language that may be used for purposes of making
 17 the designations described in paragraph (a) of this subsection;

18 (B) Procedures to be used by the board to establish the authenticity of signed authorizations
 19 designating bargaining representatives;

20 (C) Procedures to be used by the board to notify affected employees of the filing of a petition
 21 requesting certification under subsection (3) of this section;

22 (D) Procedures for filing a petition to request a representation election, including a timeline of
 23 not more than 14 days after notice has been delivered to the affected employees of a petition filed
 24 under paragraph (a) of this subsection; *[and]*

25 **(E) Procedures that may be used for preparing and signing authorizations designating**
 26 **bargaining representatives using an electronic record and an electronic signature, as those**
 27 **terms are defined in ORS 84.004; and**

28 *[(E)]* (F) Procedures for expedited resolution of any dispute about the scope of the appropriate
 29 bargaining unit. The resolution of the dispute may occur after an election is conducted.

30 (c) Solicitation and rescission of a signed authorization designating bargaining representatives
 31 are subject to the provisions of ORS 243.672.

32 (3)(a) Notwithstanding subsection (2) of this section, when a petition requesting certification has
 33 been filed under subsection (2) of this section, an employee or a group of employees in the unit
 34 designated by the petition, or one or more of the unrepresented employees seeking to be added to
 35 an existing bargaining unit, may file a petition with the board to request that a representation
 36 election be conducted.

37 (b) The petition requesting a representation election must be supported by at least 30 percent
 38 of the employees in the bargaining unit designated by the petition, or 30 percent of the unrepre-
 39 sented employees seeking to be added to an existing bargaining unit.

40 (c) The representation election shall be conducted on-site or by mail not later than 45 days after
 41 the date on which the petition was filed.

42 (4) Except as provided in ORS 243.692, if the board finds in a hearing conducted pursuant to
 43 subsection (1)(b) of this section that a question of representation exists, the board shall conduct an
 44 election by secret ballot, at a time and place convenient for the employees of the jurisdiction and
 45 also within a reasonable period of time after the filing has taken place, and certify the results of the

1 election.

2 **SECTION 2. This 2021 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
4 **on its passage.**

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