

Requested by Representative NEARMAN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3029**

1 On page 1 of the printed bill, line 3, after “243.682” insert “and 243.692”.

2 Delete lines 5 through 31 and delete page 2.

3 On page 3, delete line 1 and insert:

4 **“SECTION 1.** ORS 243.682 is amended to read:

5 “243.682. (1) If a question of representation exists, the Employment Re-  
6 lations Board shall:

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

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

18 “(B) Any faculty member who is supervised by a faculty member described  
19 in subparagraph (A) of this paragraph.

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

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

4       “(B) A labor organization alleging that 30 percent of the employees in an  
5 appropriate bargaining unit assert that the designated exclusive represen-  
6 tative is no longer the representative of the majority of the employees in the  
7 unit;

8       “(C) A public employer alleging that one or more labor organizations has  
9 presented a claim to the public employer requesting recognition as the ex-  
10 clusive representative in an appropriate bargaining unit; or

11       “(D) An employee or group of employees alleging that 30 percent of the  
12 employees assert that the designated exclusive representative is no longer  
13 the representative of the majority of employees in the unit.

14       “(2)(a) Notwithstanding subsection (1) of this section, when an employee,  
15 group of employees or labor organization acting on behalf of the employees  
16 files a petition alleging that a majority of employees in a unit appropriate  
17 for the purpose of collective bargaining wish to be represented by a labor  
18 organization for that purpose, or when a labor organization files a petition  
19 alleging that the majority in a group of unrepresented employees seek to be  
20 added to an existing bargaining unit, the board shall investigate the petition.  
21 If the board finds that a majority of the employees in a unit appropriate for  
22 bargaining or a majority of employees in a group of unrepresented employees  
23 that is appropriate to add to an existing bargaining unit have signed au-  
24 thorizations designating the labor organization specified in the petition as  
25 the employees’ bargaining representative and that no other labor organiza-  
26 tion is currently certified or recognized as the exclusive representative of  
27 any of the employees in the unit or in the group of unrepresented employees  
28 seeking to be added to an existing bargaining unit, the board may not con-  
29 duct an election but shall certify the labor organization as the exclusive  
30 representative unless a petition for a representation election is filed as pro-

1 vided in subsection (3) of this section.

2 “(b) The board by rule shall develop guidelines and procedures for the  
3 designation by employees of a bargaining representative in the manner de-  
4 scribed in paragraph (a) of this subsection. The guidelines and procedures  
5 must include:

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

9 “(B) Procedures to be used by the board to establish the authenticity of  
10 signed authorizations designating bargaining representatives;

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

14 “(D) Procedures for filing a petition to request a representation election,  
15 including a timeline of not more than 14 days after notice has been delivered  
16 to the affected employees of a petition filed under paragraph (a) of this  
17 subsection; and

18 “(E) Procedures for expedited resolution of any dispute about the scope  
19 of the appropriate bargaining unit. The resolution of the dispute may occur  
20 after an election is conducted.

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

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

29 “(b) The petition requesting a representation election must be supported  
30 by at least 30 percent of the employees in the bargaining unit designated by

1 the petition, or 30 percent of the unrepresented employees seeking to be  
2 added to an existing bargaining unit.

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

5 **“(4) The board by rule shall develop guidelines and procedures for**  
6 **preparing and signing authorizations supporting petitions filed under**  
7 **this section using an electronic record and an electronic signature, as**  
8 **those terms are defined in ORS 84.004.**

9 “[4] (5) Except as provided in ORS 243.692, if the board finds in a  
10 hearing conducted pursuant to subsection (1)(b) of this section that a ques-  
11 tion of representation exists, the board shall conduct an election by secret  
12 ballot, at a time and place convenient for the employees of the jurisdiction  
13 and also within a reasonable period of time after the filing has taken place,  
14 and certify the results of the election.

15 **“SECTION 2.** ORS 243.692 is amended to read:

16 “243.692. (1) No election shall be conducted under ORS 243.682 [(4)] (5) in  
17 any appropriate bargaining unit within which during the preceding 12-month  
18 period an election was held, nor during the term of any lawful collective  
19 bargaining agreement between a public employer and an employee represen-  
20 tative. However, a contract with a term of more than three years shall be a  
21 bar for only the first three years of its term.

22 “(2) Notwithstanding subsection (1) of this section, the Employment Re-  
23 lations Board shall rule that a contract will not be given the effect of bar-  
24 ring an election if it finds that:

25 “(a) Unusual circumstances exist under which the contract is no longer  
26 a stabilizing force; and

27 “(b) An election should be held to restore stability to the representation  
28 of employees in the unit.

29 “(3) A petition for an election where a contract exists must be filed not  
30 more than 90 calendar days and not less than 60 calendar days before the

1 end of the contract period. If the contract is for more than three years, a  
2 petition for election may be filed any time after three years from the effec-  
3 tive date of the contract.”.

4 In line 2, delete “2” and insert “3”.

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