

DRAFT

SUMMARY

Digest: Lets one party ask for a fact finder for an education labor dispute. (Flesch Readability Score: 63.4).

Requires only one party to file a petition for a fact finder if the public employer is a public education employer.

A BILL FOR AN ACT

1
2 Relating to labor disputes involving public education employers; amending
3 ORS 243.712.

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

5 **SECTION 1.** ORS 243.712 is amended to read:

6 243.712. (1) If after a 150-calendar-day period of good faith negotiations
7 over the terms of an agreement or 150 days after certification or recognition
8 of an exclusive representative no agreement has been signed, either or both
9 of the parties may notify the Employment Relations Board of the status of
10 negotiations and the need for assignment of a mediator. Any period of time
11 in which the public employer or labor organization has been found by the
12 Employment Relations Board to have failed to bargain in good faith shall
13 not be counted as part of the 150-day period. This provision cannot be in-
14 voked by the party found to have failed to bargain in good faith. The parties
15 may agree to request a mediator before the end of the 150-day period. Upon
16 receipt of such notification or request, the board shall appoint a mediator
17 and shall notify the parties of the appointment. The 150-day period shall be-
18 gin when the parties meet for the first bargaining session and each party has
19 received the other party's initial proposal or on an alternative date to which
20 the parties agree in writing.

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 (2) The board, upon receipt of a notification or request under subsection
2 (1) of this section, shall render assistance to resolve the labor dispute ac-
3 cording to the following schedule:

4 (a) Mediation shall be provided by the State Conciliation Service as pro-
5 vided by ORS 662.405 to 662.455. Any time after 15 days of mediation, either
6 party may declare an impasse. The mediator may declare an impasse at any
7 time during the mediation process. Notification of an impasse shall be filed
8 in writing with the board, and copies of the notification shall be submitted
9 to the parties on the same day the notification is filed with the board.

10 (b) Within seven days of the declaration of impasse, each party shall
11 submit to the mediator in writing the final offer of the party, including a
12 cost summary of the offer. Upon receipt of the final offers, the mediator shall
13 make public the final offers, including any proposed contract language and
14 each party's cost summary dealing with those issues, on which the parties
15 have failed to reach agreement. Each party's proposed contract language
16 shall be titled "Final Offer."

17 (c) Within 30 days after the mediator makes public the parties' final of-
18 fers, the parties may jointly petition the Employment Relations Board to
19 appoint a fact finder, **except that only one party is required to petition**
20 **the board if the public employer is a school district, an education**
21 **service district, a community college district or a public university**
22 **listed in ORS 352.002.** If the [*parties jointly petition*] **board is petitioned** for
23 fact-finding, a fact finder shall be appointed and the hearing conducted as
24 provided in ORS 243.722.

25 (d) If an agreement has not been reached 30 days after the mediator makes
26 public the final offers, or if the parties participated in fact-finding, 30 days
27 after the receipt of the fact finder's report, the public employer may imple-
28 ment all or part of its final offer, and the public employees have the right
29 to strike. After a collective bargaining agreement has expired, and prior to
30 agreement on a successor contract, the status quo with respect to employ-
31 ment relations shall be preserved until completion of impasse procedures

1 except that no public employer shall be required to increase contributions
2 for insurance premiums unless the expiring collective bargaining agreement
3 provides otherwise. Merit step and longevity step pay increases shall be part
4 of the status quo unless the expiring collective bargaining agreement ex-
5 pressly provides otherwise.

6 (3) Nothing in subsection (1) or (2) of this section shall be construed to
7 prohibit the parties at any time from voluntarily agreeing to submit any or
8 all of the issues in dispute to final and binding arbitration. The arbitration
9 shall be scheduled and conducted in accordance with ORS 243.746. The arbi-
10 tration shall supersede the dispute resolution procedures set forth in ORS
11 243.726 and 243.746.

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