

HB 4115 A STAFF MEASURE SUMMARY**Carrier:** Rep. Helfrich**House Committee On Business and Labor****Action Date:** 02/14/24**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 11-0-0-0**Yeas:** 11 - Boshart Davis, Breese-Iverson, Elmer, Grayber, Holvey, Hudson, Nelson, Nosse, Osborne, Scharf, Sosa**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Patrick Brennan, LPRO Analyst**Meeting Dates:** 2/5, 2/14**WHAT THE MEASURE DOES:**

The measure clarifies who is and is not a supervisory employee for purposes of labor representation and collective bargaining for certain personnel employed at correctional institutions, mental hospitals, law enforcement, emergency communications, and the Criminal Justice Division of the Oregon Department of Justice

ISSUES DISCUSSED:

- Sergeants sometimes end up without representation or represented by same union as employees they supervise
- Sergeants often back up supervisors in small jurisdictions
- Some jurisdictions have enacted agreements to allow a sergeant in a union
- Protections offered through union membership
- Compromise solution to long-standing issue
- Effect of proposed amendments

EFFECT OF AMENDMENT:

Adds to the definition of "supervisory employee" to include guards at correctional institutions or mental hospitals and police officers who serve in the rank of lieutenant or higher except for those lieutenant guards or police officers who were included in a collective bargaining unit on or before measure's effective date. Specifies that "supervisory employee" does not include guards at correctional institutions or mental hospitals or police officers who serve at a rank equivalent to or below sergeant who are prohibited from striking under ORS 243.736 and who assign, transfer, or direct the work of other employees but do not have authority to hire, discharge, or impose economic discipline on those employees. Adds employees of Criminal Justice Division of the Department of Justice who manage police officers for the Division to the definition of "supervisory employee." Adds a provision stipulating that, if a question of representation exists, the Employment Relations Board may not designate as appropriate a bargaining unit that includes both guards at a correctional institution or mental hospital or police officers serving at a rank equivalent to sergeant and rank-and-file subordinate employees, with exception of bargaining units certified prior to measure's effective date. Adds an emergency clause.

BACKGROUND:

The Public Employee Collective Bargaining Act (PECBA), enacted in 1973, codifies the laws governing employment relations and public employers and employees in the state, counties, cities, school districts, transportation districts, and other local governments, as well as private employers not subject to the jurisdiction of the National Labor Relations Board. Employees that are not covered under the PECBA and who are prohibited from organizing include elected officials; persons appointed to serve on boards or commissions; certain incarcerated persons; or persons who are confidential employees, supervisory employees or managerial employees. In 2014, the Legislative Assembly passed Senate Bill 1518, which modified the definition of "supervisory employee" to exclude

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firefighters who are prohibited from striking and who assign, transfer, or direct the work of others but lack authority to hire, fire, or impose economic discipline. In 2023, the Legislative Assembly passed SB 194, which further modified the definition of “supervisory employee” to exclude any employee of the Oregon State Police who serves in a rank equivalent to or below the rank of sergeant.

House Bill 4115 A clarifies the delineation between supervisory employees and non-supervisory employees for correctional institutions, law enforcement agencies, mental hospitals, and other related institutions. The exclusion from the definition of a "supervisory employee" makes someone eligible to participate in a labor organization.