

House Bill 2944

Sponsored by Representative NELSON, Senators GORSEK, MANNING JR; Representative MUNOZ (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to the PECBA. The Act creates penalties for violating certain provisions of the PECBA. (Flesch Readability Score: 61.4).

Permits a labor organization to file a civil action against a public employer for failing to timely provide the labor organization with certain information regarding public employees.

Directs the Employment Relations Board to impose civil penalties against a public employer that fails to comply with certain requirements under the public employee collective bargaining act.

A BILL FOR AN ACT

1
2 Relating to penalties for failure to comply with certain requirements under the laws governing
3 public employee collective bargaining; creating new provisions; and amending ORS 243.804 and
4 243.806.

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

6 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 243.650 to**
7 **243.809.**

8 **SECTION 2. (1) In addition to any other liability or penalty provided by law, the Em-**
9 **ployment Relations Board shall impose a civil penalty on a public employer for violation of:**

10 (a) **ORS 243.804 (4) with respect to the designated timelines within which a public em-**
11 **ployer must provide the requisite information to the labor organization.**

12 (b) **The requirements under ORS 243.806 (7) for the remittance of payment of an au-**
13 **thorized deduction to the labor organization.**

14 (2)(a) **Civil penalties shall be imposed as follows:**

15 (A) **For a first violation, the board shall issue a written notice to the public employer**
16 **that notifies the employer of the violation and provides a time period for the employer to**
17 **correct the violation that does not exceed 30 days after the date of issuance of the notice.**

18 (B) **For a second violation, the board shall impose a penalty of \$5,000 and provide written**
19 **notice to the employer informing the employer that failure to correct the violation within**
20 **30 days following the issuance of the penalty will subject the employer to additional penalties.**

21 (C) **For a third and subsequent violation, the board shall impose a penalty of \$10,000 and**
22 **provide written notice to the employer informing the employer that failure to correct the**
23 **violation within 30 days following the issuance of the penalty will subject the employer to**
24 **additional penalties.**

25 (b) **For purposes of assessing a violation under this subsection, each time that a public**
26 **employer has failed to correct a violation within the period of time provided for the cor-**
27 **rection, the board shall consider such failure as a separate and continuing violation.**

28 (3) **Civil penalties under this section shall be:**

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 (a) Imposed as provided in ORS 183.745.

2 (b) Deposited in the Employment Relations Board Administrative Account.

3 **SECTION 3.** ORS 243.804 is amended to read:

4 243.804. (1)(a) A public employer shall provide an exclusive representative of an appropriate
5 bargaining unit reasonable access to employees within the bargaining unit.

6 (b) For purposes of newly hired employees in the bargaining unit, reasonable access includes,
7 but is not limited to:

8 (A) The right to meet with new employees, without loss of employee compensation or leave
9 benefits; and

10 (B) The right to meet with the new employees within 30 calendar days from the date of hire for
11 a period of at least 30 minutes but not more than 120 minutes, during new employee orientation or,
12 if the public employer does not conduct new employee orientations, at individual or group meetings.

13 (c) For purposes of employees in the bargaining unit who are not new employees, reasonable
14 access includes, but is not limited to:

15 (A) The right to meet with employees during the employees' regular work hours at the
16 employees' regular work location to investigate and discuss grievances, workplace-related com-
17 plaints and other matters relating to employment relations; and

18 (B) The right to conduct meetings at the employees' regular work location before or after the
19 employees' regular work hours, during meal periods and during any other break periods.

20 (2) A public employer shall permit an exclusive representative to use the public employer's fa-
21 cilities or property, whether owned or leased by the employer, for purposes of conducting meetings
22 with the represented employees in the bargaining unit.

23 (3)(a) An exclusive representative may hold the meetings described under subsection (1) of this
24 section at a time and place set by the exclusive representative, provided that the meetings do not
25 interfere with the employer's operations.

26 (b) The exclusive representative shall have the right to conduct the meetings without undue
27 interference and may establish reasonable rules regarding appropriate conduct for meeting attend-
28 ees.

29 (4)(a) If a public employer has the information in the employer's records, the public employer
30 shall provide to the exclusive representative, in an editable digital file format agreed to by the ex-
31 clusive representative, the following information for each employee in an appropriate bargaining
32 unit:

33 (A) The employee's name and date of hire;

34 (B) Contact information including:

35 (i) Cellular, home and work telephone numbers;

36 (ii) Any means of electronic communication, including work and personal electronic mail ad-
37 dresses; and

38 (iii) Home address or personal mailing address; and

39 (C) Employment information, including the employee's job title, salary and work site location.

40 (b) The public employer shall provide the information described in paragraph (a) of this sub-
41 section to the exclusive representative:

42 (A) Within 10 calendar days from the date of hire for newly hired employees in an appropriate
43 bargaining unit; and

44 (B) Every 120 calendar days for employees in the bargaining unit who are not newly hired em-
45 ployees.

1 (c) If a public employer fails to provide to the exclusive representative the information
 2 described in paragraph (a) of this subsection within the timelines provided in paragraph (b)
 3 of this subsection, the exclusive representative may file a civil action to enforce the right
 4 to receive the information.

5 (d) ORS 30.260 to 30.300 do not apply to actions brought under this subsection.

6 (5) An exclusive representative shall have the right to use the electronic mail systems or other
 7 similar communication systems of a public employer to communicate with the employees in the
 8 bargaining unit regarding:

9 (a) Collective bargaining, including the administration of collective bargaining agreements;

10 (b) The investigation of grievances or other disputes relating to employment relations; and

11 (c) Matters involving the governance or business of the labor organization.

12 (6) Nothing in this section:

13 (a) Prevents a public employer from providing an exclusive representative access to employees
 14 within the bargaining unit beyond the reasonable access required under this section.

15 (b) Limits any existing right of a labor organization to communicate with public employees.

16 **SECTION 4.** ORS 243.806 is amended to read:

17 243.806. (1) A public employee may enter into an agreement with a labor organization that is the
 18 exclusive representative to provide authorization for a public employer to make a deduction from
 19 the salary or wages of the public employee, in the manner described in subsection (4) of this section,
 20 to pay dues, fees and any other assessments or authorized deductions to the labor organization or
 21 its affiliated organizations or entities.

22 (2) A public employer shall deduct the dues, fees and any other deduction authorized by a public
 23 employee under this section and remit payment to the designated organization or entity.

24 (3)(a) In addition to making the deductions and payments to a labor organization or entity de-
 25 scribed in subsection (1) of this section, a public employer shall make deductions for and payments
 26 to a noncertified, yet bona fide, labor organization, if so requested and authorized by a public em-
 27 ployee, in the manner described in subsection (4) of this section.

28 (b) The deductions and payments made in accordance with this subsection shall not be deemed
 29 an unfair labor practice under ORS 243.672.

30 (4)(a) A public employee may provide authorization for the deductions described in this section
 31 by telephonic communication or in writing, including by an electronic record or electronic signature,
 32 as those terms are defined in ORS 84.004.

33 (b) A public employee's authorization is independent of the employee's membership status in the
 34 labor organization to which payment is remitted and irrespective of whether a collective bargaining
 35 agreement authorizes the deduction.

36 (5) Notwithstanding subsections (1) to (4) of this section, a collective bargaining agreement be-
 37 tween a labor organization and a public employer may authorize a public employer to make a de-
 38 duction from the salary or wages of a public employee who is a member of the labor organization
 39 to pay dues, fees or other assessments to the labor organization or its affiliated organizations or
 40 entities.

41 (6) A public employee's authorization for a public employer to make a deduction under sub-
 42 sections (1) to (4) of this section shall remain in effect until the public employee revokes the au-
 43 thorization in the manner provided by the terms of the agreement. If the terms of the agreement do
 44 not specify the manner in which a public employee may revoke the authorized deduction, a public
 45 employee may revoke authorization for the deduction by delivering an original signed, written

1 statement of revocation to the headquarters of the labor organization.

2 (7) A labor organization shall provide to each public employer a list identifying the public em-
3 ployees who have provided authorization for a public employer to make deductions from the public
4 employee's salary or wages to pay dues, fees and any other assessments or authorized deductions
5 to the labor organization. A public employer shall rely on the list to make the authorized deductions
6 and to remit payment to the labor organization[.] **within a time period that aligns with a payroll**
7 **processing schedule established by the employer not to exceed 30 calendar days following the**
8 **date of the deduction.**

9 (8)(a) Notwithstanding subsection (10) of this section, a public employer that makes deductions
10 and payments in reliance on the list described in subsection (7) of this section is not liable to a
11 public employee for actual damages resulting from an unauthorized deduction.

12 (b) A labor organization that receives payment from a public employer shall defend and indem-
13 nify the public employer for the amount of any unauthorized deduction resulting from the public
14 employer's reliance on the list.

15 (9)(a) If a labor organization provides a public employer with the list described in subsection (7)
16 of this section and the employer fails to make an authorized deduction and remit payment to the
17 labor organization, the public employer is liable to the labor organization, without recourse against
18 the employee who authorized the deduction, for the full amount that the employer failed to deduct
19 and remit to the labor organization. **The labor organization may file a civil action against the**
20 **public employer to enforce the right to receive the full amount of the remittance.**

21 **(b) ORS 30.260 to 30.300 do not apply to actions brought under this subsection.**

22 (10)(a) If a dispute arises between the public employee and the labor organization regarding the
23 existence, validity or revocation of an authorization for the deductions and payment described under
24 subsections (1) and (2) of this section, the dispute shall be resolved through an unfair labor practice
25 proceeding under ORS 243.672.

26 (b) A public employer that makes unauthorized deductions or a labor organization that receives
27 payment in violation of the requirements of this section is liable to the public employee for actual
28 damages in an amount not to exceed the amount of the unauthorized deductions.

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