

A-Engrossed Senate Bill 24

Ordered by the Senate April 15
Including Senate Amendments dated April 15

Sponsored by Senator PATTERSON; Senators CAMPOS, GORSEK, REYNOLDS (Presession 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would tell an agency to conduct a study related to health care workers at the Department of Corrections. The Act sets minimum staffing levels for some health care workers at the department. (Flesch Readability Score: 60.1).

[Digest: The Act tells the Department of Corrections to study health care staffing by the department. (Flesch Readability Score: 61.8).]

[Requires the Department of Corrections to study health care staffing by the department. Directs the department to submit findings to the interim committees of the Legislative Assembly related to the judiciary not later than September 15, 2026.]

Requires the Oregon Department of Administrative Services, in consultation with the Department of Corrections and the labor union representing staff employed in health services at the Department of Corrections, to conduct a market study biennially related to the wages and benefits of health services job classifications at the Department of Corrections institutions.

Directs the Oregon Department of Administrative Services to submit a report on the results of the study to the interim committees of the Legislative Assembly related to health services, the Department of Corrections and the labor union representing staff employed in health services at the Department of Corrections.

Establishes minimum staffing requirements that apply to the Department of Corrections for certain state employees at Department of Corrections institutions. Phases in minimum staffing ratios between certain state employees and the number of adults in custody to which the employees can be assigned at any time.

Provides that violation of the minimum staffing requirements constitutes an unfair labor practice.

A BILL FOR AN ACT

1
2 Relating to health care staffing by the Department of Corrections; creating new provisions; and
3 amending ORS 243.672.

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

5 **SECTION 1. (1) The Oregon Department of Administrative Services, in consultation with**
6 **the Department of Corrections and representatives of the labor union representing staff**
7 **employed in health services at the Department of Corrections, shall conduct a market study**
8 **biennially to identify, compare and analyze the wages and benefits, including the cost of**
9 **maintaining a license or certification, for:**

10 (a) **Each health services job classification at a Department of Corrections institution;**

11 (b) **Each private sector counterpart of the job classifications described in paragraph (a)**
12 **of this subsection within a 100-mile radius of each Department of Corrections institution; and**

13 (c) **Each counterpart of the job classifications described in paragraph (a) of this sub-**
14 **section of staff employed by the Oregon State Hospital.**

15 (2) **The purposes of the market study are to:**

16 (a) **Generate data to ensure that staff employed in health services at each Department**

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 of Corrections institution receive competitive wages and benefits commensurate to the wages
2 and benefits of counterparts described in subsection (1)(b) and (c) of this section.

3 (b) Generate information to help inform state efforts to mitigate staffing shortages at
4 the department by incentivizing recruitment and retention of health services professionals
5 through increased wages and benefits.

6 (c) Reduce the use of contractors in health services at the department.

7 (3) No later than September 1 of each odd-numbered year, the Oregon Department of
8 Administrative Services shall submit a report on the results of the market study in the
9 manner provided by ORS 192.245 to the interim committees of the Legislative Assembly re-
10 lated to health services, the Department of Corrections and representatives of the labor
11 union representing staff employed in health services at the department.

12 **SECTION 2.** (1) The Department of Corrections shall establish and comply with the
13 minimum staffing requirements for state employees at Department of Corrections insti-
14 tutions in accordance with this section.

15 (2) With respect to a clinical unit, the staffing plan must ensure at all times the ability
16 to provide direct medical care in person within a reasonable amount of time by at least:

17 (a) Two doctors, two registered nurses, one office specialist and one certified nursing
18 assistant who is certified to distribute medication; or

19 (b) One doctor, one certified nurse practitioner, two registered nurses, one office spe-
20 cialist and one certified nursing assistant who is certified to distribute medication.

21 (3) With respect to an infirmary unit, the staffing plan must ensure at all times the
22 presence of at least two registered nurses and one doctor or certified nurse practitioner.

23 (4) With respect to the Coffee Creek Correctional Facility, the staffing plan must ensure:

24 (a) At all times the ability to provide direct medical care in person within a reasonable
25 amount of time by at least two doctors who are obstetricians or gynecologists and two li-
26 censed nurse practitioners.

27 (b) Within the receiving and discharging unit, Monday through Friday, at all times when
28 receiving and discharging activities are occurring, the physical presence of at least two reg-
29 istered nurses and two licensed practical nurses.

30 (5) The staffing plan must comply at all times with minimum staffing ratios as follows:

31 (a) One doctor or certified nurse practitioner may not be assigned to more than 200
32 adults in custody unless the doctor or certified nurse practitioner is supported in person by
33 a certified nursing assistant or licensed practical nurse.

34 (b) One registered nurse may not be assigned to more than 25 adults in custody.

35 (c) One certified nursing assistant or licensed practical nurse may not be assigned to
36 more than 40 adults in custody.

37 (6) The staffing plan must comply at all times with supportive staff ratios as follows:

38 (a) Each doctor must be supported by at least one designated office specialist, licensed
39 practical nurse or certified nursing assistant who does not support more than one other
40 doctor or nurse practitioner at a time.

41 (b) Each dentist must be supported by at least one designated dental hygienist who does
42 not support more than one other dentist at a time.

43 (7) To protect the interests of all parties, the department shall ensure that all staff em-
44 ployed in health services at a Department of Corrections institution have at least one other
45 staff member within hearing distance or sight during the provision of any medical care to

1 an adult in custody.

2 (8) Violation of a minimum staffing requirement under this section by the department
3 constitutes an unfair labor practice under ORS 243.672 (1).

4 **SECTION 3.** Notwithstanding the minimum staffing ratios in section 2 (5) of this 2025
5 Act, the minimum staffing ratios that apply for the period beginning July 1, 2025, and ending
6 June 30, 2027, are as follows:

7 (1) One doctor or certified nurse practitioner may not be assigned to more than 450
8 adults in custody unless the doctor or certified nurse practitioner is supported in person by
9 a certified nursing assistant or licensed practical nurse.

10 (2) One registered nurse may not be assigned to more than 50 adults in custody.

11 (3) One certified nursing assistant or licensed practical nurse may not be assigned to
12 more than 70 adults in custody.

13 **SECTION 4.** Notwithstanding the minimum staffing ratios in section 2 (5) of this 2025
14 Act, the minimum staffing ratios that apply for the period beginning July 1, 2027, and ending
15 June 30, 2029, are as follows:

16 (1) One doctor or certified nurse practitioner may not be assigned to more than 400
17 adults in custody unless the doctor or certified nurse practitioner is supported in person by
18 a certified nursing assistant or licensed practical nurse.

19 (2) One registered nurse may not be assigned to more than 45 adults in custody.

20 (3) One certified nursing assistant or licensed practical nurse may not be assigned to
21 more than 65 adults in custody.

22 **SECTION 5.** Notwithstanding the minimum staffing ratios in section 2 (5) of this 2025
23 Act, the minimum staffing ratios that apply for the period beginning July 1, 2029, and ending
24 June 30, 2031, are as follows:

25 (1) One doctor or certified nurse practitioner may not be assigned to more than 300
26 adults in custody unless the doctor or certified nurse practitioner is supported in person by
27 a certified nursing assistant or licensed practical nurse.

28 (2) One registered nurse may not be assigned to more than 40 adults in custody.

29 (3) One certified nursing assistant or licensed practical nurse may not be assigned to
30 more than 60 adults in custody.

31 **SECTION 6.** (1) Section 3 of this 2025 Act is repealed on July 1, 2027.

32 (2) Section 4 of this 2025 Act is repealed on July 1, 2029.

33 (3) Section 5 of this 2025 Act is repealed on July 1, 2031.

34 **SECTION 7.** ORS 243.672 is amended to read:

35 243.672. (1) It is an unfair labor practice for a public employer or its designated representative
36 to do any of the following:

37 (a) Interfere with, restrain or coerce employees in or because of the exercise of rights guaran-
38 teed in ORS 243.662.

39 (b) Dominate, interfere with or assist in the formation, existence or administration of any em-
40 ployee organization.

41 (c) Discriminate in regard to hiring, tenure or any terms or condition of employment for the
42 purpose of encouraging or discouraging membership in an employee organization. Nothing in this
43 section is intended to prohibit the entering into of a fair-share agreement between a public employer
44 and the exclusive bargaining representative of its employees. If a "fair-share" agreement has been
45 agreed to by the public employer and exclusive representative, nothing prohibits the deduction of

1 the payment-in-lieu-of-dues from the salaries or wages of the employees.

2 (d) Discharge or otherwise discriminate against an employee because the employee has signed
3 or filed an affidavit, petition or complaint or has given information or testimony under ORS 243.650
4 to 243.809.

5 (e) Refuse to bargain collectively in good faith with the exclusive representative.

6 (f) Refuse or fail to comply with any provision of ORS 243.650 to 243.809.

7 (g) Violate the provisions of any written contract with respect to employment relations including
8 an agreement to arbitrate or to accept the terms of an arbitration award, where previously the
9 parties have agreed to accept arbitration awards as final and binding upon them.

10 (h) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and
11 sign the resulting contract.

12 (i) Violate ORS 243.670 (2).

13 (j) Attempt to influence an employee to resign from or decline to obtain membership in a labor
14 organization.

15 (k) Encourage an employee to revoke an authorization for the deductions described under ORS
16 243.806.

17 **(L) Violate the minimum staffing requirements established under section 2 of this 2025**
18 **Act.**

19 (2) Subject to the limitations set forth in this subsection, it is an unfair labor practice for a
20 public employee or for a labor organization or its designated representative to do any of the fol-
21 lowing:

22 (a) Interfere with, restrain or coerce any employee in or because of the exercise of any right
23 guaranteed under ORS 243.650 to 243.809.

24 (b) Refuse to bargain collectively in good faith with the public employer if the labor organization
25 is an exclusive representative.

26 (c) Refuse or fail to comply with any provision of ORS 243.650 to 243.809.

27 (d) Violate the provisions of any written contract with respect to employment relations, includ-
28 ing an agreement to arbitrate or to accept the terms of an arbitration award, where previously the
29 parties have agreed to accept arbitration awards as final and binding upon them.

30 (e) Refuse to reduce an agreement, reached as a result of collective bargaining, to writing and
31 sign the resulting contract.

32 (3) It is an unfair labor practice for any labor organization to engage in unconventional strike
33 activity not protected for private sector employees under the National Labor Relations Act on June
34 6, 1995. This provision applies to sitdown, slowdown, rolling, intermittent or on-and-off again strikes.

35 (4) It is an unfair labor practice for a labor organization or its agents to picket or cause, induce,
36 or encourage to be picketed, or threaten to engage in such activity, at the residence or business
37 premises of any individual who is a member of the governing body of a public employer, with respect
38 to a dispute over a collective bargaining agreement or negotiations over employment relations, if
39 an objective or effect of such picketing is to induce another person to cease doing business with the
40 governing body member's business or to cease handling, transporting or dealing in goods or services
41 produced at the governing body's business. For purposes of this subsection, a member of the Legis-
42 lative Assembly is a member of the governing body of a public employer when the collective bar-
43 gaining negotiation or dispute is between the State of Oregon and a labor organization. The
44 Governor and other statewide elected officials are not considered members of a governing body for
45 purposes of this subsection. Nothing in this subsection may be interpreted or applied in a manner

1 that violates the right of free speech and assembly as protected by the Constitution of the United
2 States or the Constitution of the State of Oregon.

3 (5) It is not an unfair labor practice or a violation of subsection (2)(a) of this section for the
4 exclusive representative of an appropriate bargaining unit to charge the following employees in the
5 unit reasonable fees and costs for representation that are unrelated to the negotiation of a collective
6 bargaining agreement, provided that the employees are not members of the labor organization that
7 is the exclusive representative and have not voluntarily entered into a fair-share agreement:

8 (a) A police officer of a city or municipal police department;

9 (b) A sheriff or deputy sheriff;

10 (c) A police officer commissioned by a university under ORS 352.121 or 353.125;

11 (d) An employee of the Department of Corrections or of Oregon Corrections Enterprises; or

12 (e) A parole or probation officer who supervises adult offenders.

13 (6) An injured party may file a written complaint with the Employment Relations Board not
14 later than 180 days following the occurrence of an unfair labor practice. For each unfair labor
15 practice complaint filed, a fee of \$300 is imposed. For each answer to an unfair labor practice
16 complaint filed with the board, a fee of \$300 is imposed. The board may allow any other person to
17 intervene in the proceeding and to present testimony. A person allowed to intervene shall pay a fee
18 of \$300 to the board. The board may, in its discretion, order fee reimbursement to the prevailing
19 party in any case in which the complaint or answer is found to have been frivolous or filed in bad
20 faith. The board shall deposit fees received under this section to the credit of the Employment Re-
21 lations Board Administrative Account.

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