

House Bill 2784

Sponsored by Representative THATCHER (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**.

Prohibits Employment Relations Board from giving preference to largest possible groupings of public employees when designating appropriate bargaining unit for purposes of public employee collective bargaining.

A BILL FOR AN ACT

1
2 Relating to appropriate bargaining units for purposes of public employee collective bargaining;
3 amending ORS 243.682.

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

5 **SECTION 1.** ORS 243.682 is amended to read:

6 243.682. (1) If a question of representation exists, the Employment Relations Board shall:

7 (a) Upon application of a public employer, public employee or a labor organization, designate the
8 appropriate bargaining unit, and in making its determination shall consider such factors as commu-
9 nity of interest, wages, hours and other working conditions of the employees involved, the history
10 of collective bargaining, and the desires of the employees. **However, the board may not give**
11 **preference to the largest possible groupings of public employees when designating an appro-**
12 **priate bargaining unit.** The board may determine a unit to be the appropriate unit in a particular
13 case even though some other unit might also be appropriate.

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

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

17 (B) A labor organization alleging that 30 percent of the employees in an appropriate bargaining
18 unit assert that the designated exclusive representative is no longer the representative of the ma-
19 jority of the employees in the unit;

20 (C) A public employer alleging that one or more labor organizations has presented a claim to
21 the public employer requesting recognition as the exclusive representative in an appropriate bar-
22 gaining unit; or

23 (D) An employee or group of employees alleging that 30 percent of the employees assert that the
24 designated exclusive representative is no longer the representative of the majority of employees in
25 the unit.

26 (2)(a) Notwithstanding subsection (1) of this section, when an employee, group of employees or
27 labor organization acting on behalf of the employees files a petition alleging that a majority of em-
28 ployees in a unit appropriate for the purpose of collective bargaining wish to be represented by a
29 labor organization for that purpose, the board shall investigate the petition. If the board finds that
30 a majority of the employees in a unit appropriate for bargaining have signed authorizations desig-
31 nating the labor organization specified in the petition as the employees' bargaining representative

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 and that no other labor organization is currently certified or recognized as the exclusive represen-
2 tative of any of the employees in the unit, the board may not conduct an election but shall certify
3 the labor organization as the exclusive representative unless a petition for a representation election
4 is filed as provided in subsection (3) of this section.

5 (b) The board by rule shall develop guidelines and procedures for the designation by employees
6 of a bargaining representative in the manner described in paragraph (a) of this subsection. The
7 guidelines and procedures must include:

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

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

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

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

17 (E) Procedures for expedited resolution of any dispute about the scope of the appropriate bar-
18 gaining unit. The resolution of the dispute may occur after an election is conducted.

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

21 (3)(a) Notwithstanding subsection (2) of this section, when a petition requesting certification has
22 been filed under subsection (2) of this section, an employee or a group of employees in the unit
23 designated by the petition may file a petition with the board to request that a representation
24 election be conducted.

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

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

29 (4) Except as provided in ORS 243.692, if the board finds in a hearing conducted pursuant to
30 subsection (1)(b) of this section that a question of representation exists, the board shall conduct an
31 election by secret ballot, at a time and place convenient for the employees of the jurisdiction and
32 also within a reasonable period of time after the filing has taken place, and certify the results of the
33 election.

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