

# House Bill 2255

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Efficiency)

## 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**.

Modifies law requiring state agencies to attain 11 to 1 ratio of non-supervisory employees to supervisory employees. Requires report to Legislative Assembly of actions taken by state agency to achieve required increases in ratio or explaining why agency has not achieved increase and describing plan to attain increase.

Directs state agencies not subject to ratio requirement because of size to report agency's ratio to Legislative Assembly.

Specifies that state agency increase in ratio that exceeds statutory requirement may be counted to satisfy future ratio increase requirements.

Specifies that ratio must be calculated to minimum of two decimal places.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the ratio of state agency public employees to supervisory employees; amending ORS  
3 291.231; and declaring an emergency.

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

5 **SECTION 1.** ORS 291.231 is amended to read:

6 291.231. (1) Notwithstanding ORS 291.229, a state agency that employs more than 100 employees  
7 and has not, by April 11, 2012, attained a ratio of at least 11 to 1 of employees of the state agency  
8 who are not supervisory employees to supervisory employees:

9 (a) May not fill the position of a supervisory employee until the agency has increased the  
10 agency's ratio of employees to supervisory employees so that the ratio is at least one additional  
11 employee to supervisory employees; and

12 (b) Shall, not later than October 31, 2012, lay off or reclassify the number of supervisory em-  
13 ployees necessary to attain the increase in the ratio specified in paragraph (a) of this subsection if  
14 the increase in that ratio is not attained under paragraph (a) of this subsection or through attrition.

15 (2) Notwithstanding ORS 291.229, a state agency that employs more than 100 employees and has  
16 complied with the requirements of subsection (1) of this section, but has not attained a ratio of at  
17 least 11 to 1 of employees of the state agency who are not supervisory employees to supervisory  
18 employees:

19 (a) May not fill the position of a supervisory employee until the agency has increased the  
20 agency's ratio of employees to supervisory employees by at least one additional employee; and

21 (b) Not later than October 31 of each subsequent year, shall lay off or reclassify the number of  
22 supervisory employees necessary to increase the agency's ratio of employees to supervisory em-  
23 ployees so that the ratio is at least one additional employee to supervisory employees.

24 **(3) A state agency that has increased the agency's ratio of employees of the state agency**  
25 **who are not supervisory employees to supervisory employees by more than one additional**  
26 **employee under subsection (2) of this section may count the additional employees in subse-**

**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 **quent years for purposes of complying with subsection (2) of this section.**

2 [(3)] (4) Layoffs or reclassifications required under this section must be made in accordance with  
 3 the terms of any applicable collective bargaining agreement. A supervisory employee who is reclass-  
 4 sified into a classified position pursuant to this section shall be compensated in the salary range for  
 5 the classified position unless otherwise provided by an applicable collective bargaining agreement.

6 [(4)] (5) Upon application from a state agency, the Director of the Oregon Department of Ad-  
 7 ministrative Services may grant a state agency an exception from the requirements of subsections  
 8 (1) to [(3)] (4) of this section. The director may grant an exception under this section that:

9 (a) Applies to a particular position if the director determines the exception is necessary to allow  
 10 the state agency to maintain public or state agency employee safety;

11 (b) Applies to a division, unit, office, branch or other smaller part of the state agency if the di-  
 12 rector determines the exception is necessary to allow the state agency to maintain public or state  
 13 agency employee safety or because of the geographic location of the division, unit, office, branch  
 14 or other smaller part of the state agency; or

15 (c) The director determines is warranted because the state agency has supervisory employees  
 16 exercising authority over personnel who are not employees of the state agency, the state agency has  
 17 a significant number of part-time or seasonal employees or the state agency has another unique  
 18 personnel need.

19 [(5)] (6) Not later than five business days before the director proposes to grant an exception  
 20 under this section, the director shall notify each collective bargaining agent of the public or state  
 21 agency employees in the appropriate bargaining unit for the state agency requesting an exception.

22 [(6)] (7)(a) The **Oregon Department of Administrative Services** shall report all exceptions  
 23 granted under this [subsection] **section** to the Joint Committee on Ways and Means, the Joint In-  
 24 terim Committee on Ways and Means or the Emergency Board.

25 **(b) The department shall report for each state agency each particular hire, layoff or re-**  
 26 **classification used by the state agency to achieve the increase in the ratio required under**  
 27 **this section, including the fiscal and operational effects of the hire, layoff or reclassification,**  
 28 **at the next meeting of the Joint Committee on Ways and Means, the Joint Interim Com-**  
 29 **mittee on Ways and Means or the Emergency Board that occurs after October 31 of each**  
 30 **calendar year.**

31 **(c) Each state agency that has not attained a required increase in the ratio of at least**  
 32 **11 to 1 employees of the state agency who are not supervisory employees to supervisory**  
 33 **employees by October 31 of each calendar year shall report the reasons for not attaining the**  
 34 **increase and the plan the agency will implement to attain the increase to the next meeting**  
 35 **of the Joint Committee on Ways and Means, the Joint Interim Committee on Ways and**  
 36 **Means or the Emergency Board that occurs after October 31 of each calendar year.**

37 **(d) A state agency that is not subject to the requirement that it attain a ratio of at least**  
 38 **11 to 1 of employees who are not supervisory employees to supervisory employees because**  
 39 **the state agency employs 100 or fewer employees shall report the state agency's ratio of**  
 40 **employees who are not supervisory employees to supervisory employees to the Joint Com-**  
 41 **mittee on Ways and Means during each odd-numbered year regular session of the Legislative**  
 42 **Assembly.**

43 **(8) For purposes of this section, the ratio of employees who are not supervisory employ-**  
 44 **ees to supervisory employees shall be calculated to a minimum of two decimal places.**

45 [(7)] (9) As used in this section:

1 (a)(A) "State agency" means all state officers, boards, commissions, departments, institutions,  
2 branches, agencies, divisions and other entities, without regard to the designation given to those  
3 entities, that are within the executive branch of government as described in Article III, section 1,  
4 of the Oregon Constitution.

5 (B) "State agency" does not include:

6 (i) The legislative department as defined in ORS 174.114;

7 (ii) The judicial department as defined in ORS 174.113;

8 (iii) The Public Defense Services Commission;

9 (iv) The Secretary of State and the State Treasurer in the performance of the duties of their  
10 constitutional offices;

11 (v) Semi-independent state agencies listed in ORS 182.454;

12 (vi) The Oregon Tourism Commission;

13 (vii) The Oregon Film and Video Office;

14 (viii) The Oregon University System;

15 (ix) The Oregon Health and Science University;

16 (x) The Travel Information Council;

17 (xi) Oregon Corrections Enterprises;

18 (xii) The Oregon State Lottery Commission;

19 (xiii) The State Accident Insurance Fund Corporation;

20 (xiv) The Oregon Health Insurance Exchange Corporation;

21 (xv) The Oregon Utility Notification Center;

22 (xvi) Oregon Community Power;

23 (xvii) The Citizens' Utility Board;

24 (xviii) A special government body as defined in ORS 174.117;

25 (xix) Any other public corporation created under a statute of this state and specifically desig-  
26 nated as a public corporation; and

27 (xx) Any other semi-independent state agency denominated by statute as a semi-independent  
28 state agency.

29 (b) "Supervisory employee" has the meaning given that term in ORS 243.650.

30 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**  
31 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
32 **on its passage.**

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