

House Bill 3218

Sponsored by Representative NEARMAN

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**.

Requires labor organization to be recertified as exclusive representative every four years. Requires Employment Relations Board to hold election for certain unrepresented employees who petition to be included in bargaining unit. Requires board to adopt rules for hearing requested by unrepresented employees. Prevents parties to collective bargaining agreement from barring certain elections. Prohibits newly elected exclusive representative from renewing existing collective bargaining agreement at time of expiration of existing collective bargaining agreement. Allows newly elected exclusive representative to alter certain terms in existing collective bargaining agreement.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to elections to select an exclusive representative for the purpose of collective bargaining;
3 creating new provisions; amending ORS 243.686; and prescribing an effective date.

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

5 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made a part of ORS 243.650**
6 **to 243.782.**

7 **SECTION 2. A labor organization shall hold a recertification election every four years**
8 **from the date of a previous election in which the labor organization was certified as an ex-**
9 **clusive representative.**

10 **SECTION 3. (1) The Employment Relations Board shall, upon application by a public**
11 **employee, investigate and conduct a hearing on a petition that has been filed by a group of**
12 **unrepresented employees alleging that 30 percent of the unrepresented employees desire to**
13 **be included in an existing bargaining unit.**

14 **(2) If the board finds in a hearing conducted under subsection (1) of this section that a**
15 **question of representation exists, the board shall conduct an election by secret ballot de-**
16 **scribed in ORS 243.686.**

17 **(3) The board shall adopt rules necessary to investigate and conduct a hearing described**
18 **in subsection (1) of this section. The rules must:**

19 **(a) Develop a procedure to file the petition;**

20 **(b) Develop a procedure to establish authenticity of the petition; and**

21 **(c) Develop a timeline for procedures described in this subsection, including expedited**
22 **resolution for disputes.**

23 **SECTION 4. ORS 243.686 is amended to read:**

24 **243.686. (1) The Employment Relations Board shall place on the ballot only those labor organ-**
25 **izations designated to be placed on the ballot by more than 10 percent of the employees in an ap-**
26 **propriate bargaining unit and the incumbent labor organization.**

27 **(2) The ballot shall contain a provision for marking no representation. If a provision for no**
28 **representation receives the majority of votes cast, the board may not certify an exclusive**

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 **representative.**

2 (3) The board shall *[determine who is eligible to vote in the election and require the employer to]*
3 provide a complete list of all *[such eligible persons]* **employees**, their names, addresses and job
4 classifications to each candidate organization on the ballot at least 20 days before the election is
5 to occur.

6 (4) The labor organization *[which]* **that** receives the majority of the votes cast in an election
7 shall be certified by the board as the exclusive representative.

8 (5) In any election where there are more than two choices on the ballot and none of the choices
9 receives a majority of the votes cast, a runoff election shall be conducted. The ballot in the runoff
10 election shall contain the two choices on the original ballot that received the largest number of
11 votes.

12 *[(6) Nothing in this section is intended to prohibit the waiving of hearings by stipulation for the*
13 *purpose of a consent election, in conformity with the rules of the board.]*

14 **(6) Notwithstanding ORS 243.692:**

15 **(a) A contract may not bar an election described under this section or section 2 of this**
16 **2017 Act.**

17 **(b) An exclusive representative certified under this section may not retain an existing**
18 **contract for a period longer than the term of the contract.**

19 **(7) As allowed by law, an exclusive representative certified under this section may alter**
20 **a provision in an existing contract.**

21 **SECTION 5. Sections 2 and 3 of this 2017 Act and the amendments to ORS 243.686 by**
22 **section 4 of this 2017 Act apply to contracts entered into on or after the effective date of this**
23 **2017 Act.**

24 **SECTION 6. This 2017 Act takes effect on the 91st day after the date on which the 2017**
25 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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