

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2020 Regular Session
Legislative Fiscal Office

Measure: HB 4041 - 9

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Julie Neburka, Theresa McHugh, Paul Siebert, Matt Stayner, John Borden, Tom MacDonald,
Gregory Jolivette, Ken Rocco
Date: February 10, 2020

Measure Description:

Renames Office of Emergency Management as Oregon Department of Emergency Management.

Government Unit(s) Affected:

Statewide, Oregon Military Department (OMD), Office of the Governor, Department of Administrative Services (DAS), Bureau of Labor and Industries (BOLI), Oregon Department of Transportation (ODOT), Oregon State Police (OSP), Department of Forestry (ODF), Oregon Health Authority (OHA), Department of Justice (DOJ), Department of Public Safety Standards and Training (DPSST), Counties, Cities, Special Districts

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Analysis:

HB 4041 with the -9 amendment:

- Specifies that the Governor has the authority to appoint the Director of the Office of Emergency Management and the Director holds office at the pleasure of the Governor. The appointment of the Director is subject to confirmation by the Senate.
- Establishes the 13-member Emergency Preparedness Advisory Council charged with advising and making policy recommendations to the State Resilience Officer. The Office of Emergency Management is required to provide staffing support to the Council. The Oregon Military Department (OMD), the State Fire Marshal, the Oregon State Police (OSP), the Department of Public Safety Standards and Training (DPSST), the Oregon Health Authority (OHA), the Oregon Department of Transportation (ODOT), the Department of Justice (DOJ), the Department of Forestry (ODF), counties, and cities are required to appoint a representative to serve as a member of the Council. Members of the Council are not entitled to compensation or reimbursement.
- Establishes the 10-member Local Government Emergency Management Advisory Council charged with providing advice and recommendations to the Office of Emergency Management regarding its emergency preparedness response functions. The Office of Emergency Management is required to provide staffing support to the Council. Members of the Council are not entitled to compensation or reimbursement.
- Requires employers to grant employees who volunteers with an emergency response organization a leave of absence to provide disaster relief services or other emergency response services. The bill specifies that an employer is not required to pay wages or other monetary compensation to an employee during this leave of absence. An employee taking leave is entitled to use any paid accrued sick leave, vacation leave, or any other paid leave offered by the employer. The bill permits employers to determine the order in which accrued leave is to be used in circumstances in which more than one type of accrued leave is available to the employee. Complaints of violation of emergency volunteer leave may be filed with the Commissioner of the Bureau of Labor and Industries.
- Directs the Office of Emergency Management to maintain a list of organizations that qualify as emergency response organizations.
- Establishes the 13-member Emergency Management Restructuring Task Force charged with studying emergency management resources and capabilities in Oregon in order to prepare recommendations for a

comprehensive restructuring of emergency management systems in the state. The Task Force is required to submit a report of findings and recommendations by January 31, 2022. The Office of Emergency Management is required to provide staffing support to the Task Force. All members the Task Force are not entitled to compensation or reimbursement. The Task Force sunsets on June 30, 2022.

Oregon Military Department (OMD)

OMD estimates the fiscal impact of this bill to be \$75,910 General Fund, 1 position (0.50 FTE) for the 2019-21 biennium; and \$44,365 General Fund, 1 position (0.29 FTE) for the 2021-23 biennium. The Office of Emergency Management is required to provide staffing support to two councils and one task force, as well as to maintain a list of organizations that qualify as emergency response organizations. OMD will use existing staff and resources to support the work of the councils. However, the agency will need to add a limited duration Executive Support Specialist 2 position to assist in supporting the Emergency Management Restructuring Task Force.

Statewide

Under current practice, some of the state's collective bargaining agreements provide for leave for search and rescue, firefighting, and other similar emergency response situations. However, these leave provisions are not uniform among the contracts. Passage of this bill could result in more absences for employees who participate in emergency response which may result in additional overtime coverage to cover those employees' shifts as needed. Although it is difficult to predict, at this time, the total number of state employees who would take leave under the emergency volunteer leave provided by this measure, the fiscal impact of this provision on state agencies as employers is indeterminate but anticipated to be absorbable. In addition, there may be a minimal fiscal impact if new codes were needed in the Oregon Statewide Payroll System (OSPS) or Workday to track the leave.

Bureau of Labor and Industries (BOLI)

Complaints of violation of emergency volunteer leave may be filed with the Commissioner of the Bureau of Labor and Industries. BOLI estimates the fiscal impact of this provision to be absorbed within current staffing levels.

Oregon State Police (OSP), Department of Public Safety Standards and Training (DPSST), Oregon Health Authority (OHA), Oregon Department of Transportation (ODOT), Department of Justice (DOJ), Department of Forestry (ODF), counties, and cities

The fiscal impact of this bill on OSP, DPSST, OHA, ODOT, DOJ, ODF, counties, and cities is minimal. The bill requires these entities to participate as a member on the Emergency Preparedness Advisory Council. The fiscal assumes these entities will reprioritize duties to attend meetings and use existing staff and resources to furnish the task force with existing available data, information, advice, and other support.