

HB 2061 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 1/27, 3/8

WHAT THE MEASURE DOES:

Removes authority of public employer and labor organization to enter into a fair-share agreement in which employees who are not members of the labor organization are required to make payments in lieu of union dues. Removes authority of public employer to deduct in-lieu-of-dues payment from employee's pay.

Minimal fiscal impact; No revenue impact

ISSUES DISCUSSED:

- Removal of statutory language that is no longer enforceable given U.S. Supreme Court's ruling on *Janus v AFSCME*
- Confusion that can result if statutes are not kept current

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2018, the U.S. Supreme Court held that a state's collection of agency fees from nonconsenting public employees violates the First Amendment (*Janus v. AFSCME Council 31*, 138 S Ct 2448 (2018)). According to an advisory opinion issued by the Oregon Department of Justice in July 2018, under *Janus*, public employers may not deduct agency fees from a nonmember's wages without the employee's affirmative consent. Legislation enacted in 2019 (House Bill 2016) allows the public employer to deduct an amount authorized by the employee and remit the payment to the employee's designated labor organization. The legislation left in statute the authority for the employer and labor organization to enter into a fair-share agreement in which an employee who is not a member of the union is required to make a payment in lieu of dues to the labor organization.

House Bill 2061 clarifies that an employee who is not a union member cannot be required to make payments in lieu of dues by removing the authority of the public employer and labor organization to enter into a fair-share agreement that requires payment in lieu of dues.