

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2930 - A18

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

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

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Measure Description:

For purposes of arbitration proceedings concerning alleged misconduct by law enforcement officers, specifies burden of proof necessary for law enforcement agency to show law enforcement officer engaged in misconduct and that any disciplinary action taken against officer was with just cause.

Government Unit(s) Affected:

Employment Relations Board (ERB), Oregon Judicial Department (OJD), Oregon State Police (OSP), Department of Justice (DOJ), Department of Public Safety Standards and Training (DPSST), Counties, Cities

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

See Analysis.

Analysis:

HB 2930 removes the discipline matrix or discipline guide as a mandatory subject of collective bargaining for law enforcement and establishes the Commission on Statewide Law Enforcement Standards of Conduct and Discipline for the purpose of adopting statewide rules through a public process regarding standards of conduct and disciplinary standards for law enforcement officers. The measure directs the Employment Relations Board (ERB) to appoint an arbitrator from a list of qualified indifferent unbiased arbitrators and allows each party the opportunity to object to the ERB’s appointed arbitrator.

Currently, law enforcement officers are subject to the Public Employee Collective Bargaining Act (PECBA). PECBA allows that covered employees may work with their employer to reach a written agreement for disciplinary proceedings should a misconduct grievance be brought against them.

The -A18 amendment provides guidance for arbitrators on finding of alleged misconduct and describes membership of the Commission on Statewide Law Enforcement Standards of Conduct and Discipline.

This measure requires a subsequent referral to the Joint Committee on Ways and Means for budgetary action and the allocation of General Fund resources and position establishment.

Oregon State Police (OSP)

The Oregon State Police anticipate a fiscal impact from this measure, but the impact is indeterminate.

OSP will need to retrain officers based on the new standards developed by the Commission on Statewide Law Enforcement Standards of Conduct and Discipline and estimates the cost of that training at \$255,773 General Fund. The agency notes that new disciplinary standards may increase the number of complaints and associated internal and/or external investigations conducted by its Office of Professional Standards (OPS), but the volume of such potential complaints is unknown. Currently, the Office is operating at its budgeted capacity, with each OPS Lieutenant addressing approximately 70 investigations per biennium. Should increase workload require

additional staffing, the 2021-23 cost of a Lieutenant position is \$384,346 for personnel costs and \$99,700 for services, supplies, and a vehicle. The agency further notes that should investigation volume increase, it does not currently have a system that would allow cases to be electronically tracked and processed or allow for data collection and estimates the cost of an internal affairs tracking software system at \$186,000.

The Department of Justice

The fiscal impact to the Department of Justice (DOJ) is indeterminate as the amount of staffing needed to serve as co-chair of the Statewide Law Enforcement Standards of Conduct and Discipline Commission is unknown at this time. Should this measure result in increased workload and require additional staffing, DOJ may need an additional permanent part-time Senior Assistant Attorney General position.

Cities, counties

Cities and counties report an indeterminate fiscal impact from this measure. Variables influencing costs include a potential increase in grievances and challenges in applying the uniform standards.

The Department of Public Safety Standards and Training, the Employment Relations Board, and the Oregon Judicial Department do not anticipate a fiscal impact from this measure.

The Legislative Fiscal Office notes that the measure is silent as to how the Commission is to be staffed, and that required rulemaking and reporting activities will impose an indeterminate cost on the agency responsible for providing this staff support.