

# House Bill 3311

Sponsored by Representative EVANS

## 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**.

Establishes correctional facility staffing committee within each Department of Corrections facility. Directs committee to develop written facility-wide staffing plan. Directs department facilities to implement staffing plan. Directs committee to periodically review and modify staffing plan.

## A BILL FOR AN ACT

1  
2 Relating to correctional facility staffing plans.

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

4 **SECTION 1. (1) Within each Department of Corrections facility, there is established a**  
5 **correctional facility staffing committee. Each committee shall:**

6 (a) **Consist of an equal number of managers and staff; and**

7 (b) **For that portion of the committee composed of staff, consist of correctional officers,**  
8 **nurses and other medical staff, behavioral health specialists and facility and professional**  
9 **staff.**

10 (2) **A correctional facility staffing committee shall develop a written facility-wide staffing**  
11 **plan in accordance with section 2 of this 2021 Act. The committee's primary goals in devel-**  
12 **oping the staffing plan shall be to ensure that the facility is staffed to provide for the health,**  
13 **safety and security of adults in custody and department employees. The committee shall re-**  
14 **view and modify the staffing plan in accordance with section 3 of this 2021 Act.**

15 (3) **A majority of the members of a correctional facility staffing committee constitutes**  
16 **a quorum for the transaction of business.**

17 (4) **A correctional facility staffing committee shall have two cochairs. One cochair shall**  
18 **be a manager elected by the members of the committee who are managers and one cochair**  
19 **shall be a staff member elected by the members of the committee who are staff.**

20 (5)(a) **A decision made by a correctional facility staffing committee must be made by a**  
21 **vote of a majority of the members of the committee. If a quorum of members comprises an**  
22 **unequal number of managers and staff, only an equal number of managers and staff may**  
23 **vote.**

24 (b) **If the committee is unable to reach an agreement on the staffing plan, either cochair**  
25 **of the committee may invoke a 30-day period during which the committee shall continue to**  
26 **develop the staffing plan. During the 30-day period, the superintendent of the correctional**  
27 **facility shall respond in a timely manner to reasonable requests from members of the com-**  
28 **mittee for data that will enable the committee to reach a resolution. If, at the end of the**  
29 **30-day period, the committee remains unable to reach an agreement on the staffing plan, one**  
30 **of the cochairs shall notify the Director of the Department of Corrections of the impasse.**

31 (c) **Upon receiving notification under paragraph (b) of this subsection, the director shall**

**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 provide the committee with a mediator to assist the committee in reaching an agreement  
 2 on the staffing plan. Mediation conducted under this paragraph must be consistent with the  
 3 requirements for implementing and reviewing staffing plans under sections 2 and 3 of this  
 4 2021 Act.

5 (6) A correctional facility staffing committee shall meet:

6 (a) At least once every three months; and

7 (b) At any time and place specified by either cochair.

8 (7)(a) Subject to paragraph (b) of this subsection, a correctional facility staffing com-  
 9 mittee meeting must be open to:

10 (A) All facility employees as observers; and

11 (B) Upon invitation by either cochair, other observers or presenters.

12 (b) At any time, either cochair may exclude persons described in paragraph (a) of this  
 13 subsection from a committee meeting for purposes related to deliberation and voting.

14 (8) Minutes of correctional facility staffing committee meetings must:

15 (a) Include motions made and outcomes of votes taken;

16 (b) Summarize discussions; and

17 (c) Be made available in a timely manner to facility staff and upon request.

18 (9) A Department of Corrections facility shall release a member of the correctional fa-  
 19 cility staffing committee from the member's assignment, and provide the member with paid  
 20 time, to attend committee meetings.

21 **SECTION 2.** (1) Each Department of Corrections facility shall implement the written  
 22 facility-wide staffing plan developed and approved by the correctional facility staffing com-  
 23 mittee under section 1 of this 2021 Act.

24 (2) The staffing plan:

25 (a) Must be based on the specialized qualifications and competencies of staff and provide  
 26 for the skill mix and level of competency necessary to ensure that the correctional facility  
 27 is staffed to meet the health, safety and security needs of adults in custody and department  
 28 employees; and

29 (b) Must be based on the specific population of adults in custody in the facility.

30 (3)(a) The department may not impose upon unionized department staff any changes in  
 31 wages, hours or other terms and conditions of employment pursuant to a staffing plan unless  
 32 the employer first provides notice to and, upon request, bargains with the union as the ex-  
 33 clusive collective bargaining representative of the nursing staff in the bargaining unit.

34 (b) A staffing plan does not create, preempt or modify a collective bargaining agreement  
 35 or require a union or employer to bargain over the staffing plan while a collective bargaining  
 36 agreement is in effect.

37 **SECTION 3.** (1) A correctional facility staffing committee established pursuant to section  
 38 1 of this 2021 Act shall review the written facility-wide staffing plan developed by the com-  
 39 mittee under section 2 of this 2021 Act:

40 (a) At least once every year; and

41 (b) At any other date and time specified by either cochair of the committee.

42 (2) In reviewing a staffing plan, a correctional facility staffing committee shall consider:

43 (a) Complaints regarding staffing;

44 (b) The aggregate hours of mandatory overtime worked by facility staff;

45 (c) The aggregate hours of voluntary overtime worked by facility staff;

1       **(d) The percentage of shifts for which staffing differed from what is required by the**  
2 **staffing plan; and**

3       **(e) Any other matter determined by the committee to be necessary to ensure that the**  
4 **facility is staffed to ensure the health, safety and security of adults in custody and depart-**  
5 **ment employees.**

6       **(3) Upon reviewing a staffing plan, a correctional facility staffing committee shall:**

7       **(a) Report whether the staffing plan ensures the health, safety and security of adults in**  
8 **custody and department employees; and**

9       **(b) Modify the staffing plan as necessary to ensure the health, safety and security of**  
10 **adults in custody and department employees.**

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