

HB 2930-12
(LC 746)
3/29/21 (JAS/cpa/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Janelle Bynum)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2930**

1 On page 1 of the printed bill, line 5, after “2” insert “, 2a”.

2 Delete lines 7 through 22.

3 On page 2, delete lines 1 through 4 and insert:

4 **“SECTION 2. (1) For purposes of an arbitration proceeding under**
5 **ORS 243.706 concerning alleged misconduct by a law enforcement offi-**
6 **cer, when a law enforcement agency has determined that an officer**
7 **has engaged in misconduct, an arbitrator may not make a determi-**
8 **nation regarding the misconduct that differs from the agency’s deter-**
9 **mination if evidence exists on the record that would permit a**
10 **reasonable person to conclude that the officer engaged in misconduct.**

11 **“(2)(a) Notwithstanding ORS 243.706 (1), and subject to paragraph**
12 **(b) of this subsection, in carrying out an arbitration proceeding de-**
13 **scribed under ORS 243.706 (3), the Employment Relations Board shall**
14 **select at random a person who is qualified, indifferent and unbiased**
15 **to serve as the arbitrator of the proceeding.**

16 **“(b) After the board has selected a person to serve as the arbitrator**
17 **of the proceeding, each of the parties subject to the proceeding is en-**
18 **titled to one opportunity to object to the board’s proposed arbitrator.**
19 **If a party objects to the proposed arbitrator, the board shall select at**
20 **random an alternative person to serve as the arbitrator. If the other**
21 **party objects to the alternative person, the board shall select at ran-**

1 dom a final person who shall serve as arbitrator of the proceeding.

2 “(c) During the selection process, the board may provide the law
3 enforcement agency or the exclusive representative only the name of
4 the person selected to serve as the arbitrator and may not provide the
5 name of any person that may potentially be selected.

6 “(d) The selection process described in this subsection is not subject
7 to collective bargaining.

8 “(3)(a) The arbitrator shall hold any hearing within 90 days from
9 the date the arbitrator is appointed.

10 “(b) The arbitrator may, for good cause shown, set over or continue
11 a hearing for up to 60 days.

12 “(4) As used in this section, ‘law enforcement agency’ and ‘law
13 enforcement officer’ have the meanings given those terms in ORS
14 131.930.

15 **“SECTION 2a. (1) For purposes of an arbitration proceeding under
16 ORS 243.706 concerning a law enforcement officer, the Employment
17 Relations Board shall establish by rule:**

18 **“(a) An arbitrator fee schedule, including a fee schedule for can-
19 cellations; and**

20 **“(b) Continuing education requirements to qualify to serve as an
21 arbitrator.**

22 **“(2)(a) An arbitrator fee schedule established under this section
23 must be reasonable and require that the fees be divided equally among
24 the parties.**

25 **“(b) An arbitrator may not charge an amount that differs from the
26 arbitrator fee schedule established by the board.**

27 **“(c) The board shall review, and update as necessary, the arbitrator
28 fee schedule at least once every three years.**

29 **“(3) Continuing education requirements established under this sec-
30 tion must require at a minimum that the following training be com-**

1 **pleted every two years to qualify to serve as an arbitrator:**

2 **“(a) Two hours of training on implicit bias and cultural compe-**
3 **tency; and**

4 **“(b) Two hours of training on labor and employment law, labor re-**
5 **lations and grievance procedures.”.**

6 On page 12, line 18, delete “Section 3 of this 2021 Act becomes” and insert
7 “Sections 2a and 3 of this 2021 Act become”.

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