

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 631 - 1**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

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

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**Measure Description:**

Permits employees of certain state agencies to refuse to work one scheduled mandatory overtime shift a week without the risk of discipline, retaliation, or adverse employment action. Prohibits specified agencies from disciplining, retaliating, or taking any adverse employment actions against employees who refuse to work one scheduled mandatory overtime shift a week or from requiring the employee to take leave without pay or use accrued leave.

**Government Unit(s) Affected:**

Oregon Health Authority, Department of Corrections, Department of Human Services, Employment Relations Board, Employment Department

**Summary of Fiscal Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

**Analysis:**

The measure allows an employee employed by the Department of Corrections (DOC), the Oregon Health Authority (OHA), or the Department of Human Services (DHS) to refuse to work one scheduled mandatory overtime shift a week without the risk of discipline, retaliation, or adverse employment action. The measure also prohibits DOC, OHA, and DHS from disciplining, retaliating, or taking any adverse employment actions against employees who refuse to work one scheduled mandatory overtime shift a week or from requiring the employee to take leave without pay or use accrued leave. The measure specifies the divisions within OHA and DHS as the Oregon State Hospital (OSH) and the Stabilization and Crisis Unit (SACU), the Office of Developmental Disabilities, respectively. The measure is effective January 1, 2024.

The Legislative Fiscal Office notes that the fiscal impact is indeterminate and could vary depending on how the impacted agencies may need to modify their operations or require additional resources in order to maintain operations while still conforming with the measure.

Oregon Health Authority

OHA estimates the fiscal impact of the measure for OSH is \$6.7 million General Fund and 36 positions (27.00 FTE) for the 2023-25 biennium and \$8.9 million General Fund and 36 positions (36.00 FTE) for the 2025-27 biennium.

OHA reports that mandatory overtime is a temporary staffing remedy available to all hospitals. If the measure were to become law, it would require additional collective bargaining for conformity, as mandated overtime and methodology is currently bargained. If employees refused mandatory overtime, it could result in failing to meet minimum staffing requirements. Mandatory overtime is implemented based on frequently inconsistent variables, but by making broad assumptions the total position request for OHA would include a General Fund request for 18 Registered Nurse (RN) positions and 18 Mental Health Therapist (MHT) positions. The positions would provide additional support for six Salem programs, one of each classification per shift, per program, with the intent that this additional staffing could be utilized on units of highest need. OHA reports that with the additional RN and MHT positions in each program area, they could then shift those positions between housing units within each program area.

### Department of Human Services

DHS estimates the total fiscal impact of the measure is \$3.5 million and 23 positions (17.25 FTE) for the 2023-25 biennium and \$4.5 million and 23 positions (23.00 FTE) for the 2025-27 biennium. The total impact for the 2023-25 biennium includes \$1.2 million General Fund and \$2.3 million Federal Funds. The total impact for the 2025-27 biennium includes \$1.6 million General Fund and \$2.9 million Federal Funds.

DHS reports that SACU employees are currently allowed to refuse two mandated overtime shifts per year but, if this measure becomes law, the agency will need to hire 23 additional Direct Support Crisis Specialist positions to cover all mandated overtime shifts.

### Department of Corrections

DOC reports the fiscal impact of the measure is indeterminate. In an average month, about 517 DOC Operations employees have a mandatory overtime shift, covering around 4,600 hours. By allowing employees to refuse one mandated overtime shift per week could result the disruption of programs and services available to adults in custody or security issues forcing housing units to be on lock down due to lack of available supervision. Impacts to the delivery of health services, food services and transportation of adults in custody would also likely be impacted.

There is no fiscal impact for the Oregon Employment Department or Employment Relations Board.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on the State's General Fund.