

## Legislative Fiscal Office

Oregon State Capitol  
900 Court Street NE, H-178  
Salem, Oregon 97301  
503-986-1828



## Joint Committee on Ways and Means

Senator Elizabeth Steiner, Senate Co-Chair  
Representative Tawna Sanchez, House Co-Chair

Senator Fred Girod, Senate Co-Vice Chair  
Representative David Gomberg, House Co-Vice Chair  
Representative Greg Smith, House Co-Vice Chair

Amanda Beitel, Legislative Fiscal Officer  
Tom MacDonald, Deputy Legislative Fiscal Officer (Budget)  
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

**To:** General Government Subcommittee

**From:** Kim To, Legislative Fiscal Office

**Date:** April 3, 2023

**Subject:** SB 5508 – Employment Relations Board  
Work Session Recommendations

### Employment Relations Board – Agency Totals

	2019-21 Actual	2021-23 Legislatively Approved	2023-25 Current Service Level	2023-25 LFO Recommended
General Fund	2,816,655	3,350,085	3,493,480	3,386,733
Other Funds	2,330,083	2,649,723	2,763,130	2,683,819
<b>Total Funds</b>	<b>5,146,738</b>	<b>5,999,808</b>	<b>6,256,610</b>	<b>6,070,552</b>
Positions	13	13	13	13
FTE	13.00	13.00	13.00	13.00

Attached are the recommendations from the Legislative Fiscal Office (LFO) for the Employment Relations Board (ERB).

The 2023-25 LFO recommended budget for the Employment Relations Board is 13 positions (13.00 FTE) and \$6,070,552 total funds. This is a \$70,744, or 1.2%, increase from the 2021-23 legislatively approved budget of \$5,999,808 total funds, and a \$186,058, or 3%, decrease from the current service level.

The 2023-25 LFO recommended budget includes:

- \$215,068 total funds reduction in facilities rental expenditures to reflect savings realized from moving the agency from a privately owned building in October of 2022 to the state-owned General Services Building.
- \$17,989 total funds increase to cover the reclassification of the State Conciliator position as part of The Oregon Management Project (TOMP) to align the state's Principal Executive Manager (PEM) classification and compensation category for management with the private sector.

- \$11,021 total funds increase to cover the reclassification of the agency's Administrative Specialist 2 (AS2) position to align with the expanded responsibilities of the position.

### **Adjustments to Current Service Level**

See attached "Work Session Presentation Report."

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

***Accept*** LFO Recommendation:

**MOTION: I move the LFO recommendation to SB 5508. (VOTE)**

**OR**

***Change*** LFO Recommendation:

**MOTION: I move the LFO recommendation to SB 5508, with modifications. (VOTE)**

### **Performance Measures**

See attached "Legislatively Proposed 2023-25 Key Performance Measures."

***Accept*** LFO Recommendation:

**MOTION: I move the LFO recommendation on Key Performance Measures. (VOTE)**

**OR**

***Change*** LFO Recommendation:

**MOTION: I move the LFO recommendation on Key Performance Measures, with modifications. (VOTE)**

### **Recommended Changes**

LFO recommends a budget of \$3,386,733 General Fund, \$2,683,819 Other Funds, and 13 positions (13.00 FTE), which is reflected in the –2 amendment.

**MOTION: I move adoption of the –2 amendment to SB 5508. (VOTE)**

## Senate Bill 5508

Introduced and printed pursuant to House Concurrent Resolution 23 (2023) (at the request of Oregon Department of Administrative Services)

### 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**.

Appropriates moneys from General Fund to Employment Relations Board for biennial expenses.  
 Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by board.  
 Limits biennial expenditures by board from moneys received from assessment against state agencies.  
 Declares emergency, effective July 1, 2023.

### A BILL FOR AN ACT

1  
 2 Relating to the financial administration of the Employment Relations Board; and declaring an  
 3 emergency.

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

5 **SECTION 1.** There is appropriated to the Employment Relations Board, for the biennium  
 6 beginning July 1, 2023, out of the General Fund, the amount of **\$3,334,254**.

7 **SECTION 2.** Notwithstanding any other law limiting expenditures, the amount of **\$275,642**  
 8 is established for the biennium beginning July 1, 2023, as the maximum limit for payment of  
 9 expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but ex-  
 10 cluding lottery funds and federal funds and funds described in section 3 of this 2023 Act,  
 11 collected or received by the Employment Relations Board.

12 **SECTION 3.** Notwithstanding any other law limiting expenditures, the amount of  
 13 **\$2,373,229** is established for the biennium beginning July 1, 2023, as the maximum limit for  
 14 payment of expenses from moneys received from the assessment against state agencies de-  
 15 scribed in ORS 240.167 and transferred to the Employment Relations Board Administrative  
 16 Account.

17 **SECTION 4.** This 2023 Act being necessary for the immediate preservation of the public  
 18 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
 19 July 1, 2023.  
 20

### -1 amendment

3,386,733	GF
275,642	OF fees
<del>2,683,819</del>	OF assessment
<b>6,346,194</b>	

### -2 amendment

3,386,733	GF
275,642	OF fees
2,408,177	OF assessment
<b>6,070,552</b>	

### Employment Relations Board – Agency Totals

	2019-21 Actual	2021-23 Legislatively Approved	2023-25 Current Service Level	2023-25 LFO Recommended
General Fund	2,816,655	3,350,085	3,493,480	<b>3,386,733</b>
Other Funds	2,330,083	2,649,723	2,763,130	<b>2,683,819</b>
<b>Total Funds</b>	<b>5,146,738</b>	<b>5,999,808</b>	<b>6,256,610</b>	<b>6,070,552</b>
Positions	13	13	13	13
FTE	13.00	13.00	13.00	13.00

Attached are the recommendations from the Legislative Fiscal Office (LFO) for the Employment Relations Board (ERB).

**Final Subcommittee Action**

LFO recommends that SB 5508, as amended by the –2 amendment, be moved to the Ways and Means Full Committee.

**MOTION: I move SB 5508, as amended, to the Full Committee with a do pass recommendation. (VOTE)**

**Carriers**

Full Committee: \_\_\_\_\_

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_

	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2021-23 Agy. Leg. Adopted</b>	<b>3,257,926</b>	-	<b>2,577,311</b>	-	-	-	<b>5,835,237</b>	<b>13</b>	<b>13.00</b>
2021-23 Ebds, SS & Admin Act	92,159	-	72,412	-	-	-	164,571	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>3,350,085</b>	-	<b>2,649,723</b>	-	-	-	<b>5,999,808</b>	<b>13</b>	<b>13.00</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>3,350,085</b>	-	<b>2,649,723</b>	-	-	-	<b>5,999,808</b>	<b>13</b>	<b>13.00</b>
Summary of Base Adjustments	142,866	-	112,256	-	-	-	255,122	-	-
<b>2023-25 Base Budget</b>	<b>3,492,951</b>	-	<b>2,761,979</b>	-	-	-	<b>6,254,930</b>	<b>13</b>	<b>13.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	(32,863)	-	(25,821)	-	-	-	(58,684)	-	-
030: Inflation & Price List Adjustments	33,392	-	26,972	-	-	-	60,364	-	-
<b>2023-25 Current Service Level</b>	<b>3,493,480</b>	-	<b>2,763,130</b>	-	-	-	<b>6,256,610</b>	<b>13</b>	<b>13.00</b>
<b>Adjusted 2023-25 Current Service Level</b>	<b>3,493,480</b>	-	<b>2,763,130</b>	-	-	-	<b>6,256,610</b>	<b>13</b>	<b>13.00</b>
<b>Total LFO Recommended Packages</b>	<b>(106,747)</b>	-	<b>(79,311)</b>	-	-	-	<b>(186,058)</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>3,386,733</b>	-	<b>2,683,819</b>	-	-	-	<b>6,070,552</b>	<b>13</b>	<b>13.00</b>
Net change from 2021-23 Leg Approved Budget	36,648	-	34,096	-	-	-	70,744	-	-
Percent change from 2021-23 Leg Approved Budget	1.1%	0.0%	1.3%	0.0%	0.0%	0.0%	1.2%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	(106,747)	-	(79,311)	-	-	-	(186,058)	-	-
Percent change from 2023-25 Adj Current Service Level	(3.1%)	0.0%	(2.9%)	0.0%	0.0%	0.0%	(3.0%)	0.0%	0.0%

	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2021-23 Agy. Leg. Adopted</b>	<b>1,716,722</b>	-	<b>1,346,275</b>	-	-	-	<b>3,062,997</b>	<b>5</b>	<b>5.00</b>
2021-23 Ebds, SS & Admin Act	39,783	-	31,333	-	-	-	71,116	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>1,756,505</b>	-	<b>1,377,608</b>	-	-	-	<b>3,134,113</b>	<b>5</b>	<b>5.00</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>1,756,505</b>	-	<b>1,377,608</b>	-	-	-	<b>3,134,113</b>	<b>5</b>	<b>5.00</b>
Summary of Base Adjustments	57,478	-	45,090	-	-	-	102,568	-	-
<b>2023-25 Base Budget</b>	<b>1,813,983</b>	-	<b>1,422,698</b>	-	-	-	<b>3,236,681</b>	<b>5</b>	<b>5.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	(14,372)	-	(11,318)	-	-	-	(25,690)	-	-
030: Inflation & Price List Adjustments	30,243	-	23,364	-	-	-	53,607	-	-
<b>2023-25 Current Service Level</b>	<b>1,829,854</b>	-	<b>1,434,744</b>	-	-	-	<b>3,264,598</b>	<b>5</b>	<b>5.00</b>
<b>Adjusted 2023-25 Current Service Level</b>	<b>1,829,854</b>	-	<b>1,434,744</b>	-	-	-	<b>3,264,598</b>	<b>5</b>	<b>5.00</b>
<b>Total LFO Recommended Packages</b>	<b>(123,000)</b>	-	<b>(92,068)</b>	-	-	-	<b>(215,068)</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>1,706,854</b>	-	<b>1,342,676</b>	-	-	-	<b>3,049,530</b>	<b>5</b>	<b>5.00</b>
Net change from 2021-23 Leg Approved Budget	(49,651)	-	(34,932)	-	-	-	(84,583)	-	-
Percent change from 2021-23 Leg Approved Budget	(2.8%)	0.0%	(2.5%)	0.0%	0.0%	0.0%	(2.7%)	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	(123,000)	-	(92,068)	-	-	-	(215,068)	-	-
Percent change from 2023-25 Adj Current Service Level	(6.7%)	0.0%	(6.4%)	0.0%	0.0%	0.0%	(6.6%)	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 090 Analyst Adjustments**

Package Description This package reduces the agency's rent expenses. The agency moved from a privately owned building in October 2022 to the state-owned General Services Building. This reduction reflects adjustments for 2023-25 facilities rent costs.

LFO Recommendation

<b>LFO Recommended</b>	<b>(123,000)</b>	<b>-</b>	<b>(92,068)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(215,068)</b>	<b>-</b>	<b>-</b>
------------------------	------------------	----------	-----------------	----------	----------	----------	------------------	----------	----------

	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2021-23 Agy. Leg. Adopted</b>	<b>733,409</b>	-	<b>581,320</b>	-	-	-	<b>1,314,729</b>	<b>4</b>	<b>3.50</b>
2021-23 Ebds, SS & Admin Act	24,530	-	19,240	-	-	-	43,770	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>757,939</b>	-	<b>600,560</b>	-	-	-	<b>1,358,499</b>	<b>4</b>	<b>3.50</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>757,939</b>	-	<b>600,560</b>	-	-	-	<b>1,358,499</b>	<b>4</b>	<b>3.50</b>
Summary of Base Adjustments	12,366	-	9,750	-	-	-	22,116	-	-
<b>2023-25 Base Budget</b>	<b>770,305</b>	-	<b>610,310</b>	-	-	-	<b>1,380,615</b>	<b>4</b>	<b>3.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	(9,661)	-	(7,591)	-	-	-	(17,252)	-	-
030: Inflation & Price List Adjustments	1,610	-	1,478	-	-	-	3,088	-	-
<b>2023-25 Current Service Level</b>	<b>762,254</b>	-	<b>604,197</b>	-	-	-	<b>1,366,451</b>	<b>4</b>	<b>3.50</b>
<b>Adjusted 2023-25 Current Service Level</b>	<b>762,254</b>	-	<b>604,197</b>	-	-	-	<b>1,366,451</b>	<b>4</b>	<b>3.50</b>
<b>Total LFO Recommended Packages</b>	<b>13,160</b>	-	<b>10,339</b>	-	-	-	<b>23,499</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>775,414</b>	-	<b>614,536</b>	-	-	-	<b>1,389,950</b>	<b>4</b>	<b>3.50</b>
Net change from 2021-23 Leg Approved Budget	17,475	-	13,976	-	-	-	31,451	-	-
Percent change from 2021-23 Leg Approved Budget	2.3%	0.0%	2.3%	0.0%	0.0%	0.0%	2.3%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	13,160	-	10,339	-	-	-	23,499	-	-
Percent change from 2023-25 Adj Current Service Level	1.7%	0.0%	1.7%	0.0%	0.0%	0.0%	1.7%	0.0%	0.0%



	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 100 Manager 3 TOMP Adjustment**

Package Description The State Conciliator position was part the Principal Executive Manager (PEM) classification and compensation category that was converted into new classifications as part of The Oregon Management Project (TOMP) to align management positions in the state with the private sector. This package provides funding to align the State Conciliator salary with this reclassification.

LFO Recommendation

LFO Recommended	10,074	-	7,915	-	-	-	17,989	-	-
-----------------	--------	---	-------	---	---	---	--------	---	---

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 101 Administrative Specialist 2 Reclass**

Package DescriptionThis package provides funding to reclassify the agency's Administrative Specialist 2 (AS 2) position to align with the expanded responsibilities of the position. These expanded responsibilities include: (1) assistance with planning, development, promotion, and evaluation of statewide conferences, training and education programs; (2) coordinating and assisting in leading constituent-based task forces and committees; and (3) assistance with the development and evaluation of proposals for legislative and agency rules changes as they relate to new programs.

LFO Recommendation

LFO Recommended	3,086	-	2,424	-	-	-	5,510	-	-
-----------------	-------	---	-------	---	---	---	-------	---	---

	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2021-23 Agy. Leg. Adopted</b>	<b>807,795</b>	-	<b>649,716</b>	-	-	-	<b>1,457,511</b>	<b>4</b>	<b>4.50</b>
2021-23 Ebds, SS & Admin Act	27,846	-	21,839	-	-	-	49,685	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2021-23 Leg Approved Budget</b>	<b>835,641</b>	-	<b>671,555</b>	-	-	-	<b>1,507,196</b>	<b>4</b>	<b>4.50</b>
<b>2021-23 Leg Approved Budget (Base)</b>	<b>835,641</b>	-	<b>671,555</b>	-	-	-	<b>1,507,196</b>	<b>4</b>	<b>4.50</b>
Summary of Base Adjustments	73,022	-	57,416	-	-	-	130,438	-	-
<b>2023-25 Base Budget</b>	<b>908,663</b>	-	<b>728,971</b>	-	-	-	<b>1,637,634</b>	<b>4</b>	<b>4.50</b>
010: Non-PICS Pers Svc/Vacancy Factor	(8,830)	-	(6,912)	-	-	-	(15,742)	-	-
030: Inflation & Price List Adjustments	1,539	-	2,130	-	-	-	3,669	-	-
<b>2023-25 Current Service Level</b>	<b>901,372</b>	-	<b>724,189</b>	-	-	-	<b>1,625,561</b>	<b>4</b>	<b>4.50</b>
<b>Adjusted 2023-25 Current Service Level</b>	<b>901,372</b>	-	<b>724,189</b>	-	-	-	<b>1,625,561</b>	<b>4</b>	<b>4.50</b>
<b>Total LFO Recommended Packages</b>	<b>3,093</b>	-	<b>2,418</b>	-	-	-	<b>5,511</b>	-	-
<b>2023-25 Legislative Actions</b>	<b>904,465</b>	-	<b>726,607</b>	-	-	-	<b>1,631,072</b>	<b>4</b>	<b>4.50</b>
Net change from 2021-23 Leg Approved Budget	68,824	-	55,052	-	-	-	123,876	-	-
Percent change from 2021-23 Leg Approved Budget	8.2%	0.0%	8.2%	0.0%	0.0%	0.0%	8.2%	0.0%	0.0%
Net change from 2023-25 Adj Current Service Level	3,093	-	2,418	-	-	-	5,511	-	-
Percent change from 2023-25 Adj Current Service Level	0.3%	0.0%	0.3%	0.0%	0.0%	0.0%	0.3%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
--	--------------	---------------	-------------	---------------	------------------------	--------------------------	-------------	-----------	----------------------------

**Package 101 Administrative Specialist 2 Reclass**

Package Description This package provides funding to reclassify the agency's Administrative Specialist 2 (AS 2) position to align with the expanded responsibilities of the position. These expanded responsibilities include: (1) assistance with planning, development, promotion, and evaluation of statewide conferences, training and education programs; (2) coordinating and assisting in leading constituent-based task forces and committees; and (3) assistance with the development and evaluation of proposals for legislative and agency rules changes as they relate to new programs.

LFO Recommendation

LFO Recommended	3,093	-	2,418	-	-	-	5,511	-	-
-----------------	-------	---	-------	---	---	---	-------	---	---

# Legislatively Proposed 2023 - 2025 Key Performance Measures

Published: 3/4/2023 3:21:22 PM

**Agency:** Employment Relations Board

**Mission Statement:**

The mission of the Employment Relations Board is to resolve disputes concerning labor and employment relations.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2024	Target 2025
1. Union representation - Average number of days to resolve a petition for union representation when a contested case hearing is not required.		Approved	47	60	60
2. Recommended orders - Average number of days for an Administrative Law Judge to issue a recommended order after the record in a contested case hearing is closed.		Approved	101	100	100
3. Final Board orders - Average number of days from submission of a case to the Board until issuance of a final order.		Approved	24	50	50
4. Mediation effectiveness - Percentage of contract negotiations disputes that are resolved by mediation for strike-permitted employees.		Approved	94%	95%	95%
5. Appeals - Percentage of Board Orders which are reversed on appeal.		Approved	0%	5%	5%
6. Mediation effectiveness - Percentage of contract negotiations disputes that are resolved by mediation for strike-prohibited employees.		Approved	100%	85%	85%
7. Customer Satisfaction - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, and availability of information.	Expertise	Approved	100%	95%	95%
	Helpfulness		97%	95%	95%
	Accuracy		95%	95%	95%
	Timeliness		97%	95%	95%
	Overall		97%	95%	95%
	Availability of Information		92%	95%	95%

**LFO Recommendation:**

The Legislative Fiscal Office recommends approval of the proposed Key Performance Measures and targets.

**SubCommittee Action:**