

**A-Engrossed**  
**House Bill 2573**

Ordered by the House March 15  
Including House Amendments dated March 15

Sponsored by Representative GRAYBER, Senator DEMBROW, Representative HUDSON, Senator CAMPOS; Representatives CHAICHI, EVANS, NELSON, NERON, NOSSE (Presession filed.)

**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.

Requires Employment Relations Board to develop guidelines and procedures for authorizations designating bargaining representatives of bargaining unit to be prepared and signed electronically.

**Establishes requirements for petitions for representation that are submitted as electronic record.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to signed authorizations designating exclusive bargaining representation; amending ORS  
3 243.682 and 243.692; and declaring an emergency.

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

5 **SECTION 1.** ORS 243.682 is amended to read:

6 243.682. (1) If a question of representation exists, the Employment Relations Board shall:

7 (a) Upon application of a public employer, a public employee or a labor organization, designate  
8 the appropriate bargaining unit, and in making its determination shall consider such factors as  
9 community of interest, wages, hours and other working conditions of the employees involved, the  
10 history of collective bargaining, and the desires of the employees. The board may determine a unit  
11 to be the appropriate unit in a particular case even though some other unit might also be appro-  
12 priate. Unless a labor organization and a public employer agree otherwise, the board may not des-  
13 ignate as appropriate a bargaining unit that includes:

14 (A) A faculty member described in ORS 243.650 (23)(c)(C) who supervises one or more other  
15 faculty members; and

16 (B) Any faculty member who is supervised by a faculty member described in subparagraph (A)  
17 of this paragraph.

18 (b) Investigate and conduct a hearing on a petition that has been filed by:

19 (A) A labor organization alleging that 30 percent of the employees in an appropriate bargaining  
20 unit desire to be represented for collective bargaining by an exclusive representative;

21 (B) A labor organization alleging that 30 percent of the employees in an appropriate bargaining  
22 unit assert that the designated exclusive representative is no longer the representative of the ma-  
23 jority of the employees in the unit;

24 (C) A public employer alleging that one or more labor organizations has presented a claim to  
25 the public employer requesting recognition as the exclusive representative in an appropriate bar-  
26 gaining unit; or

**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 (D) An employee or group of employees alleging that 30 percent of the employees assert that the  
2 designated exclusive representative is no longer the representative of the majority of employees in  
3 the unit.

4 (2)(a) Notwithstanding subsection (1) of this section, when an employee, group of employees or  
5 labor organization acting on behalf of the employees files a petition alleging that a majority of em-  
6 ployees in a unit appropriate for the purpose of collective bargaining wish to be represented by a  
7 labor organization for that purpose, or when a labor organization files a petition alleging that the  
8 majority in a group of unrepresented employees seek to be added to an existing bargaining unit, the  
9 board shall investigate the petition. If the board finds that a majority of the employees in a unit  
10 appropriate for bargaining or a majority of employees in a group of unrepresented employees that  
11 is appropriate to add to an existing bargaining unit have signed authorizations designating the labor  
12 organization specified in the petition as the employees' bargaining representative and that no other  
13 labor organization is currently certified or recognized as the exclusive representative of any of the  
14 employees in the unit or in the group of unrepresented employees seeking to be added to an existing  
15 bargaining unit, the board may not conduct an election but shall certify the labor organization as  
16 the exclusive representative unless a petition for a representation election is filed as provided in  
17 subsection [(3)] (4) of this section.

18 (b) The board by rule shall develop guidelines and procedures for the designation by employees  
19 of a bargaining representative in the manner described in paragraph (a) of this subsection. The  
20 guidelines and procedures must include:

21 (A) Model collective bargaining authorization language that may be used for purposes of making  
22 the designations described in paragraph (a) of this subsection;

23 (B) Procedures to be used by the board to establish the authenticity of signed authorizations  
24 designating bargaining representatives;

25 (C) Procedures to be used by the board to notify affected employees of the filing of a petition  
26 requesting certification under subsection [(3)] (4) of this section;

27 (D) Procedures for filing a petition to request a representation election, including a timeline of  
28 not more than 14 days after notice has been delivered to the affected employees of a petition filed  
29 under paragraph (a) of this subsection; *and*

30 **(E) Procedures that may be used for preparing and signing authorizations designating**  
31 **bargaining representatives using an electronic record and an electronic signature, as those**  
32 **terms are defined in ORS 84.004; and**

33 [(E)] (F) Procedures for expedited resolution of any dispute about the scope of the appropriate  
34 bargaining unit. The resolution of the dispute may occur after an election is conducted.

35 (c) Solicitation and rescission of a signed authorization designating bargaining representatives  
36 are subject to the provisions of ORS 243.672.

37 **(3)(a) Except as otherwise provided in paragraph (b) of this subsection, a petition for**  
38 **representation submitted as an electronic record that includes a signed authorization using**  
39 **an electronic signature as described under subsection (2)(b)(E) of this section, must:**

40 **(A) Include the following information:**

41 **(i) The name of signer;**

42 **(ii) The signer's electronic mail address or social media account;**

43 **(iii) The signer's telephone number;**

44 **(iv) The exact language that the signer is assenting to by providing the electronic signa-**  
45 **ture;**

1 (v) The date of submission of the electronic signature; and

2 (vi) The name of the public employer that employs the signer; and

3 (B) Be accompanied by a verification declaration by the petitioning party:

4 (i) Specifying the technology used to obtain and verify the signatures;

5 (ii) Providing the methods used to ensure the authenticity of the signature; and

6 (iii) Confirming that the information transmitted to the signer was the same information  
7 to which the signer assented.

8 (b) If the technology used to provide the signed authorization does not support digital  
9 signatures that are suited to satisfy the requirements of the verification declaration de-  
10 scribed in paragraph (a) of this subsection, the petitioning party must submit evidence that,  
11 after the petitioning party obtained an electronic signature, the party promptly transmitted  
12 a confirmation transmission to the signer confirming that all of the information described  
13 under paragraph (a)(A)(i) to (vi) is true.

14 [(3)(a)] (4)(a) Notwithstanding subsection (2) of this section, when a petition requesting certi-  
15 fication has been filed under subsection (2) of this section, an employee or a group of employees in  
16 the unit designated by the petition, or one or more of the unrepresented employees seeking to be  
17 added to an existing bargaining unit, may file a petition with the board to request that a represen-  
18 tation election be conducted.

19 (b) The petition requesting a representation election must be supported by at least 30 percent  
20 of the employees in the bargaining unit designated by the petition, or 30 percent of the unrepre-  
21 sented employees seeking to be added to an existing bargaining unit.

22 (c) The representation election shall be conducted on-site or by mail not later than 45 days after  
23 the date on which the petition was filed.

24 [(4)] (5) Except as provided in ORS 243.692, if the board finds in a hearing conducted pursuant  
25 to subsection (1)(b) of this section that a question of representation exists, the board shall conduct  
26 an election by secret ballot, at a time and place convenient for the employees of the jurisdiction and  
27 also within a reasonable period of time after the filing has taken place, and certify the results of the  
28 election.

29 **SECTION 2.** ORS 243.692 is amended to read:

30 243.692. (1) No election shall be conducted under ORS 243.682 [(4)] (5) in any appropriate bar-  
31 gaining unit within which during the preceding 12-month period an election was held, nor during the  
32 term of any lawful collective bargaining agreement between a public employer and an employee  
33 representative. However, a contract with a term of more than three years shall be a bar for only  
34 the first three years of its term.

35 (2) Notwithstanding subsection (1) of this section, the Employment Relations Board shall rule  
36 that a contract will not be given the effect of barring an election if it finds that:

37 (a) Unusual circumstances exist under which the contract is no longer a stabilizing force; and

38 (b) An election should be held to restore stability to the representation of employees in the unit.

39 (3) A petition for an election where a contract exists must be filed not more than 90 calendar  
40 days and not less than 60 calendar days before the end of the contract period. If the contract is for  
41 more than three years, a petition for election may be filed any time after three years from the ef-  
42 fective date of the contract.

43 **SECTION 3.** This 2023 Act being necessary for the immediate preservation of the public  
44 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
45 on its passage.

