

HB 4115 A STAFF MEASURE SUMMARY

Carrier: Sen. Patterson

Senate Committee On Labor and Business

Action Date: 02/28/24

Action: Do pass the A-Eng bill.

Vote: 5-0-0-0

Yeas: 5 - Bonham, Hansell, Jama, Patterson, Taylor

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/26, 2/28

WHAT THE MEASURE DOES:

The measure clarifies who is and is not a supervisory employee for purposes of labor representation and collective bargaining for certain personnel employed at correctional institutions, mental hospitals, law enforcement, emergency communications, and the Criminal Justice Division of the Oregon Department of Justice. The measure declares an emergency and takes effect on passage.

ISSUES DISCUSSED:

- Impact of existing law on officers seeking promotions to sergeant
- Benefits and protections offered through union membership
- Professional responsibilities of sergeants
- Disciplinary procedures for officers under collective bargaining agreements
- Exclusion of sergeants as supervisory employees does not include those with authority to impose economic discipline

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Public Employee Collective Bargaining Act (PECBA), enacted in 1973, codifies the laws governing employment relations and public employers and employees in the state, counties, cities, school districts, transportation districts, and other local governments, as well as private employers not subject to the jurisdiction of the National Labor Relations Board. Employees that are not covered under the PECBA and who are prohibited from organizing include elected officials; persons appointed to serve on boards or commissions; certain incarcerated persons; or persons who are confidential employees, supervisory employees, or managerial employees. In 2014, the Legislative Assembly passed Senate Bill 1518, which modified the definition of “supervisory employee” to exclude firefighters who are prohibited from striking and who assign, transfer, or direct the work of others but lack authority to hire, fire, or impose economic discipline. In 2023, the Legislative Assembly passed Senate Bill 194, which further modified the definition of “supervisory employee” to exclude any employee of the Oregon State Police who serves in a rank equivalent to or below the rank of sergeant.

House Bill 4115 A clarifies the delineation between supervisory employees and non-supervisory employees for correctional institutions, law enforcement agencies, mental hospitals, and other related institutions. The exclusion from the definition of a "supervisory employee" makes someone eligible to participate in a labor organization.