

HB 3789 -2, -3, -4, -5 STAFF MEASURE SUMMARY

House Committee On Labor and Workplace Standards

Prepared By: Erin Seiler, LPRO Analyst

Meeting Dates: 3/10, 3/31

WHAT THE MEASURE DOES:

The measure makes it unlawful to falsely impersonate a union representative. Permits a labor organization to maintain and make accessible to public employees and exclusive representatives a list identifying union representatives associated with the labor organization. The list may include relevant information sufficient to verify whether a person is actually a union representative. The measure allows for civil penalties for falsely impersonating a union representative and provides a private right of action for a union representative alleging a violation of the prohibition against falsely impersonating a union representative.

Fiscal impact: Statement not yet issued

Revenue impact: Statement not yet issued

ISSUES DISCUSSED:

- Examples of non-union representatives representing themselves to union members
- Use of unions' shirt, colors, signs, and logos by non-union members to represent themselves as members
- Other professions where it is unlawful to misrepresent or impersonate a member of that profession
- Reasons non-union members may represent themselves as union representatives to union members
- Implementation and process for adjudicating an allegation of false impersonation
- Timeline and frequency, new employees or current employees, are provided information about joining or not joining a union
- Relationship to Public Employees Collective Bargaining Act (PECBA)
- Mailers received by union members
- Others states with similar law

EFFECT OF AMENDMENT:

-2 Defines "falsely impersonate a union representative" as mean to use fraud or misrepresentation to make a verbal or written communication that purports to be authorized or otherwise approved by a labor organization but that has not, in fact, been authorized or approved by the labor organization.

Includes in definition of "union representative" a member of a labor organization who serves in an elected or appointed position within the union.

Requires a labor organization, as a matter of internal governance, to be the sole authority to identify and designate union representatives associated with the labor organization. Removes authority to maintain and make accessible to public employees and exclusive representations a list identifying union representatives associated with the labor organization.

Removes civil penalty.

Fiscal impact: Minimal fiscal impact

Revenue impact: No revenue impact

-3 Narrows definition of "falsely impersonate a union representative" to mean to use fraud or misrepresentation to obtain, possess, transfer, create, utter or convert to a person's own use the identity of a union representative.

HB 3789 -2, -3, -4, -5 STAFF MEASURE SUMMARY

Fiscal impact: Fiscal statement issued

Revenue impact: No revenue impact

-4 Narrows definition of "falsely impersonate a union representative" to mean to use fraud or misrepresentation to obtain, possess, transfer, create, utter or convert to a person's own use the identity of a union representative.

Removes an exclusive representative from definition of "union representative."

Requires a labor organization to maintain and make accessible to public employees and exclusive representatives a list identifying union representatives associated with the labor organization. Requires the list to include relevant information sufficient to verify whether a person is actually a union representative.

-5 Defines "false union identification" and "union uniform."

Defines "falsely impersonate a union representative" to mean to use false union identification or wear a union uniform to give the impression that the person is a union representative if the person performs an act in that assumed character with the intent to obtain a benefit or to injure or defraud another person.

Makes it unlawful to falsely impersonate a union representative, but does not prohibit a person from freely communicating with, directing communications to or discussing matters related to any labor organization provided that a person does not falsely impersonate a union representative.

Requires a labor organization to maintain and make accessible to public employees and exclusive representatives a list identifying union representatives associated with the labor organization. Requires the list to include relevant information sufficient to verify whether a person is actually a union representative.

BACKGROUND:

The Public Employee Collective Bargaining Act (PECBA), ORS Chapter 243.650-243.806, recognizes the right of public employees to organize and engage in collective bargaining, and establishes a uniform process for employees to join and be represented by labor organizations. PECBA also establishes a collective bargaining process for Oregon's public employers and unions representing public employees. Employers covered by PECBA include the State of Oregon and its political subdivisions, such as cities, counties, school districts, community colleges, public universities, public hospitals, mass transit districts, metropolitan service districts, special districts, and other public and quasi-public corporations.