

## **HB 2944 A -A7 STAFF MEASURE SUMMARY**

### **Senate Committee On Labor and Business**

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**Meeting Dates:** 5/1, 5/8

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#### **WHAT THE MEASURE DOES:**

The measure requires the Employment Relations Board (ERB) to impose specified civil penalties against a public employer for any repeat or subsequent violations of certain requirements of the Public Employees Collective Bargaining Act (PECBA). It requires a public employer to make the authorized deductions and to remit payment to the labor organization within a time period that aligns with a payroll processing schedule established by the employer not to exceed 30 calendar days following the date of the deduction.

#### Detailed Summary:

Requires the Employment Relations Board (ERB) to impose a civil penalty of not less than \$1,000 nor more than \$5,000, if ERB finds that the public employer named in an unfair labor practices complaint has violated and employer has previously violated

- requirement that public employer provide name and date of hire; contact information; and employment information about employee in appropriate bargaining within designated timelines; or
- right to receive full amount of remittance for deductions authorized by employees.

For any subsequent violation, the ERB is required to impose a civil penalty of not less than \$5,000 nor more than \$10,000.

Requires the ERB to consider extenuating circumstances that the employer has proven contributed to or caused the violation when determining the amount of the civil penalty. States that an extenuating circumstance is not an affirmative defense to a violation for any repeat or subsequent violation.

Requires public employer to make the authorized deductions and to remit payment to the labor organization within a time period that aligns with a payroll processing schedule established by the employer not to exceed 30 calendar days following the date of the deduction.

**FISCAL:** Has minimal fiscal impact

**REVENUE:** No revenue impact

#### **ISSUES DISCUSSED:**

- Process for filing an Unfair Labor Practice complaint (ULP)
- Ability to withdraw a ULP
- Public employers who may have violated certain requirements of the Public Employees Collective Bargaining Act (PECBA)
- Mechanics of the measure
- Current ability for the Employment Relations Board to impose civil penalties for violations of PECBA
- Limitations period for filing a ULP
- Meaning of an affirmative defense
- Application of extenuating circumstances in determining amount of civil penalty

#### **EFFECT OF AMENDMENT:**

-A7 The amendment adds a provision waiving the specified civil penalty for repeat or subsequent violations of certain requirements of the Public Employees Collective Bargaining Act if the employer establishes the violation

resulted from a natural disaster, a computer crime, or destruction by fire, flood, or other catastrophic event at the employer's place of business that significantly disrupted the public employer's operations relating to the violation.

REVENUE: No revenue impact

FISCAL: May have fiscal impact, but no statement yet issued

**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.

Under PECBA, if a public employer has specific information about an employee in an appropriate bargaining unit, the employer is required to provide the information to the exclusive representative, in an editable digital file format agreed to by the exclusive representative. The public employer must provide the information to the exclusive representative within 10 calendar days from the date of hire for newly hired employees and every 120 calendar days for employees, who are not newly hired employees, in an appropriate bargaining unit. The information the public employer is required to provide includes name and date of hire; contact information including cell, home and work telephone numbers, work or personal email address, and home or personal mailing address; and employment information, including the employee's job title, salary and work site location.

PECBA requires a labor organization to provide each public employer a list of the public employees who have authorized a public employer to make deductions from the public employee's salary or wages to pay dues, fees and any other assessments or authorized deductions to the labor organization. A public employer uses the list to make the authorized deductions and remit payments to the labor organization. If a labor organization provides a public employer with the list and the employer fails to make an authorized deduction and remit payment to the labor organization, the public employer is liable to the labor organization, without recourse against the employee who authorized the deduction, for the full amount that the employer failed to deduct and remit to the labor organization.

House Bill 2944 A requires the Employment Relations Board to impose specified civil penalties against a public employer for any repeat or subsequent violations of certain requirements of PECBA.