

HB 3789 A -A6, -A8, -A9 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 5/6, 5/8, 5/13

WHAT THE MEASURE DOES:

The measure makes it unlawful to falsely impersonate a union representative. It permits a union representative making an allegation of a violation of the prohibition against falsely impersonating a union representative to bring a civil action to obtain damages. The measure defines "falsely impersonate a union representative" to 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. It defines "union representative" and 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.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Measure provides labor organization sole authority to designate union representative
- Required mental state
- Impetus for the measure
- Examples of non-union representatives representing themselves as union members
- Other professions where it is unlawful to misrepresent or impersonate a member of that profession
- Examples of misinformation from unions or union members
- Applicability of criminal laws
- Ability of public employees to opt out of union membership
- Intent of the measure
- Relationship to other legislation

EFFECT OF AMENDMENT:

-A6 The amendment modifies the definition of "falsely impersonate a union representative" by adding that it must be done with the intent to undermine or interfere with the operations of the labor organization, or otherwise negatively impact the labor organization. The amendment also clarifies that the award of monetary damages is statutory.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

-A8 The amendment modifies the definition of "falsely impersonate a union representative" by adding that it must be done with the intent to defraud or deceive another person into believing the communication was authorized or approved, for the purpose of undermining, interfering with, or otherwise negatively impacting the labor organization.

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

REVENUE: May have revenue impact, but no statement yet issued

-A9 The amendment adds a provision that the measure may not be construed to impose a liability on speech, expression, or conduct protected by the First Amendment to the United States Constitution.

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

REVENUE: May have revenue 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.

House Bill 3789 A makes it unlawful to falsely impersonate a union representative.