

HB 3789 A STAFF MEASURE SUMMARY
House Committee On Labor and Workplace Standards

Carrier: Rep. Pham H

Action Date: 03/31/25
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-3-0-0
Yeas: 4 - Fragala, Grayber, Munoz, Nelson
Nays: 3 - Boshart Davis, Elmer, Scharf
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
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. 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.

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 by which new 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
- Criminal statutes related to misrepresentation and fraud; no civil statute parallel

EFFECT OF AMENDMENT:

Replaces the measure.

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.