

HB 3789 B STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Minority Report

Action Date: 05/13/25

Action: Do pass with different amendments to the A-Eng bill. (Printed B-Eng.) Minority

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Report Signers: Sen. Bonham, Sen. Hayden

Prepared By: Erin Seiler

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

WHAT THE MEASURE DOES:

The measure makes it unlawful to falsely impersonate a union representative. It makes it unlawful for a union representative to knowingly use misrepresentation to mislead or deceive a public employee regarding union membership.

Detailed Summary:

Makes it unlawful to falsely impersonate a union representative. 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. 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 is not authorized or approved by the labor organization with the intent to defraud or deceive another person into believing the communication was authorized or approved, for the purpose of undermining or interfering with, or otherwise negatively impacting the labor organization. Defines "union representative" and provides a labor organization with the sole authority, as a matter of internal governance, to identify and designate union representatives associated with the labor organization.

Prohibits imposing any liability on any speech, expression, or conduct protected by the First Amendment to the United States Constitution or the Oregon Constitution.

Makes it unlawful for a union representative to knowingly use misrepresentation to:

- Mislead or deceive a public employee into believing that membership in a labor organization is mandatory or that public employees do not have the right to decline or withdraw from labor organization membership.
- Hinder or prevent a public employee from exercising, or cause a public employee to refrain from exercising, the right to decline or withdraw from labor organization membership.

Permits a public employee alleging a violation to bring a civil action to obtain damages.

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
- Proof needed to establish claim

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- Merits of union representation
- Need for transparency

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.

House Bill 3789 MRB makes it unlawful to falsely impersonate a union representative. It makes it unlawful for a union representative to knowingly use misrepresentation to mislead or deceive a public employee regarding union membership.