

House Bill 2126

Sponsored by Representative NOSSE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act provides the right for certain represented workers to have union representation at certain DHS meetings that could result in discipline. The Act directs DHS to adopt rules about the workers' rights. The Act will take effect when the Governor signs it. (Flesch Readability Score: 60.4).

Provides that home care workers and personal support workers have the right to labor union representation in interviews, investigations or administrative reviews that could result in disciplinary action.

Requires that the Department of Human Services adopt rules regarding due process rights of home care workers and personal support workers in such interviews, investigations or administrative reviews.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to union representation in certain proceedings; amending ORS 183.459; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 183.459 is amended to read:

6 183.459. (1) Notwithstanding ORS 8.690, 9.160 and 9.320, a home care worker or personal support
7 worker, as defined in ORS 410.600, who is:

8 (a) A party in a contested case hearing conducted by the Department of Human Services may
9 be represented in the hearing by a labor union representative.

10 (b) **Subject to an interview, investigation or other administrative review process that**
11 **could result in disciplinary action, including, but not limited to, suspension, termination or**
12 **denial of provider enrollment or a provider enrollment number, may be represented by a la-**
13 **bor union representative in the interview, investigation or administrative review process in**
14 **a manner consistent with the representation rights afforded to public employees under the**
15 **provisions of ORS 243.650 to 243.809.**

16 (2) Notwithstanding ORS 8.690, 9.160 and 9.320, a family child care provider, as defined in ORS
17 329A.430, who is a party in a contested case hearing conducted by the Department of Early Learn-
18 ing and Care may be represented in the hearing by a labor union representative.

19 (3) The hearing officer at a contested case hearing in which a labor union representative ap-
20 pears under the provisions of this section shall allow the representative to present evidence, exam-
21 ine and cross-examine witnesses and make arguments relating to the:

22 (a) Application of statutes and rules to the facts in the contested case;

23 (b) Actions taken by the agency in the past in similar situations;

24 (c) Literal meaning of the statutes or rules at issue in the contested case;

25 (d) Admissibility of evidence; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (e) Proper procedures to be used in the contested case hearing.

2 (4) **The Department of Human Services shall adopt rules regarding the right to labor**
3 **union representation in an interview, investigation or administrative review process de-**
4 **scribed under subsection (1) of this section. At a minimum, the rules must provide:**

5 (a) **Requirements for providing timely notice of an interview, investigation or adminis-**
6 **trative review process, including a requirement that the division of the department that is**
7 **responsible for conducting the interview, investigation or administrative review process**
8 **provide notice to the labor union and the subject worker:**

9 (A) **By certified mail to the postal mailing address of the labor union and the subject**
10 **worker shown in the records of the division;**

11 (B) **To an electronic mail address of the labor union and the subject worker;**

12 (C) **In the preferred language of the subject worker;**

13 (D) **That identifies, in a heading or letterhead, the division that produced the notice;**

14 (E) **That includes the date, time and location of the interview, investigation or adminis-**
15 **trative review process;**

16 (F) **Not less than three business days prior to an interview, investigation or administra-**
17 **tive review process;**

18 (G) **That includes a statement of the subject worker's right to a hearing to contest any**
19 **substantiated findings resulting from an interview, investigation or administrative review**
20 **process, with a description of the hearing process; and**

21 (H) **That includes a statement that the subject worker has the right to an interpreter**
22 **and to labor union representation; and**

23 (b) **Any other information that the department deems necessary to inform a subject**
24 **worker of their rights in the interview, investigation or administrative review process.**

25 **SECTION 2. This 2025 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
27 **on its passage.**

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