

## Enrolled

# House Bill 2944

Sponsored by Representative NELSON, Senators GORSEK, MANNING JR; Representatives  
ANDERSEN, FRAGALA, MUNOZ, TRAN (Presession filed.)

CHAPTER .....

### AN ACT

Relating to penalties for failure to comply with certain requirements under the laws governing public employee collective bargaining; amending ORS 243.676 and 243.806.

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

**SECTION 1.** ORS 243.676 is amended to read:

243.676. (1) Whenever a written complaint is filed alleging that any person has engaged in or is engaging in any unfair labor practice listed in ORS 243.672 (1) to (4) and 243.752, the Employment Relations Board or its agent shall:

- (a) Cause to be served upon such person a copy of the complaint;
  - (b) Investigate the complaint to determine if a hearing on the unfair labor practice charge is warranted. If the investigation reveals that no issue of fact or law exists, the board may dismiss the complaint; and
  - (c) Set the matter for hearing if the board finds in its investigation made pursuant to paragraph (b) of this subsection that an issue of fact or law exists. The hearing shall be before the board or an agent of the board not more than 20 days after a copy of the complaint has been served on the person.
- (2) Where, as a result of the hearing required pursuant to subsection (1)(c) of this section, the board finds that any person named in the complaint has engaged in or is engaging in any unfair labor practice charged in the complaint, the board shall:
- (a) State its findings of fact;
  - (b) Issue and cause to be served on such person an order that the person cease and desist from the unfair labor practice;
  - (c) Take such affirmative action, including but not limited to the reinstatement of employees with or without back pay, as necessary to effectuate the purposes of ORS 240.060, 240.065, 240.080, 240.123, 243.650 to 243.809 and 341.290;
  - (d) Designate the amount and award representation costs, if any, to the prevailing party; and
  - (e) Designate the amount and award attorney fees, if any, to the prevailing party on appeal, including proceedings for Supreme Court review, of a board order.
- (3) Where the board finds that the person named in the complaint has not engaged in or is not engaging in an unfair labor practice, the board shall:
- (a) Issue an order dismissing the complaint; and
  - (b) Designate the amount and award representation costs, if any, to the prevailing party.

(4)(a) The board may award a civil penalty to any person as a result of an unfair labor practice complaint hearing, in the aggregate amount of up to \$1,000 per case, without regard to attorney fees, if:

(A) The complaint has been affirmed pursuant to subsection (2) of this section and the board finds that the person who has committed, or who is engaging, in an unfair labor practice has done so repetitively, knowing that the action taken was an unfair labor practice and took the action disregarding this knowledge, or that the action constituting the unfair labor practice was egregious; or

(B) The complaint has been dismissed pursuant to subsection (3) of this section, and that the complaint was frivolously filed, or filed with the intent to harass the other person, or both.

(b) Notwithstanding paragraph (a) of this subsection, if the board finds that a public employer named in the complaint violated ORS 243.670 (2), the board shall impose a civil penalty equal to triple the amount of funds the public employer expended to assist, promote or deter union organizing.

**(c)(A) Notwithstanding paragraph (a) of this subsection, but subject to subparagraph (C) of this paragraph, if the board finds that the public employer named in the complaint has violated ORS 243.804 (4) or 243.806 (7) and that the employer has previously violated either provision, the board shall impose a civil penalty of not less than \$1,000 nor more than \$5,000. For any subsequent violation, the board shall impose a civil penalty of not less than \$5,000 nor more than \$10,000.**

**(B) In determining the amount of the civil penalty to impose under this paragraph, the board shall consider extenuating circumstances that the employer has proven contributed to or caused the violation. An extenuating circumstance is not an affirmative defense to a violation described in subparagraph (A) of this paragraph.**

**(C) A finding of a violation under subparagraph (A) of this paragraph is not subject to a civil penalty under subparagraph (A) of this paragraph if the employer establishes that the violation resulted directly from:**

**(i) A natural disaster, as defined in ORS 197.488;**

**(ii) A computer crime, as defined in ORS 164.377; or**

**(iii) 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.**

(5) As used in subsections (1) to (4) of this section, "person" includes but is not limited to individuals, labor organizations, associations and public employers.

**SECTION 2.** ORS 243.806 is amended to read:

243.806. (1) A public employee may enter into an agreement with a labor organization that is the exclusive representative to provide authorization for a public employer to make a deduction from the salary or wages of the public employee, in the manner described in subsection (4) of this section, to pay dues, fees and any other assessments or authorized deductions to the labor organization or its affiliated organizations or entities.

(2) A public employer shall deduct the dues, fees and any other deduction authorized by a public employee under this section and remit payment to the designated organization or entity.

(3)(a) In addition to making the deductions and payments to a labor organization or entity described in subsection (1) of this section, a public employer shall make deductions for and payments to a noncertified, yet bona fide, labor organization, if so requested and authorized by a public employee, in the manner described in subsection (4) of this section.

(b) The deductions and payments made in accordance with this subsection shall not be deemed an unfair labor practice under ORS 243.672.

(4)(a) A public employee may provide authorization for the deductions described in this section by telephonic communication or in writing, including by an electronic record or electronic signature, as those terms are defined in ORS 84.004.

(b) A public employee's authorization is independent of the employee's membership status in the labor organization to which payment is remitted and irrespective of whether a collective bargaining agreement authorizes the deduction.

(5) Notwithstanding subsections (1) to (4) of this section, a collective bargaining agreement between a labor organization and a public employer may authorize a public employer to make a deduction from the salary or wages of a public employee who is a member of the labor organization to pay dues, fees or other assessments to the labor organization or its affiliated organizations or entities.

(6) A public employee's authorization for a public employer to make a deduction under subsections (1) to (4) of this section shall remain in effect until the public employee revokes the authorization in the manner provided by the terms of the agreement. If the terms of the agreement do not specify the manner in which a public employee may revoke the authorized deduction, a public employee may revoke authorization for the deduction by delivering an original signed, written statement of revocation to the headquarters of the labor organization.

(7) A labor organization shall provide to each public employer a list identifying the public employees who have provided authorization for 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 shall rely on the list 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.**

(8)(a) Notwithstanding subsection (10) of this section, a public employer that makes deductions and payments in reliance on the list described in subsection (7) of this section is not liable to a public employee for actual damages resulting from an unauthorized deduction.

(b) A labor organization that receives payment from a public employer shall defend and indemnify the public employer for the amount of any unauthorized deduction resulting from the public employer's reliance on the list.

(9) If a labor organization provides a public employer with the list described in subsection (7) of this section 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.

(10)(a) If a dispute arises between the public employee and the labor organization regarding the existence, validity or revocation of an authorization for the deductions and payment described under subsections (1) and (2) of this section, the dispute shall be resolved through an unfair labor practice proceeding under ORS 243.672.

(b) A public employer that makes unauthorized deductions or a labor organization that receives payment in violation of the requirements of this section is liable to the public employee for actual damages in an amount not to exceed the amount of the unauthorized deductions.

**Passed by House April 17, 2025**

**Repassed by House May 27, 2025**

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

**Passed by Senate May 21, 2025**

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Rob Wagner, President of Senate

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

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Tobias Read, Secretary of State