

A-Engrossed House Bill 3789

Ordered by the House April 4
Including House Amendments dated April 4

Sponsored by Representatives PHAM H, SOSA, NERON, ANDERSEN; Representatives CHOTZEN, DOBSON, FRAGALA, GOMBERG, HUDSON, MUNOZ, WALTERS, WATANABE, Senators BROADMAN, FREDERICK, LIEBER, PATTERSON, PHAM K, PROZANSKI, REYNOLDS

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes it unlawful for a person to falsely impersonate a union representative. The Act says that the union has the sole right to decide its own representatives based on its own rules. The Act allows a union to file a lawsuit against a person who breaks the law. (Flesch Readability Score: 61.3).

[Digest: The Act makes it unlawful for a person to falsely impersonate a union representative. The Act says that a union can keep a list of union representatives. The Act sets fines for breaking the law. The Act allows a union to file a lawsuit against a person who breaks the law. (Flesch Readability Score: 62.8).]

Makes it unlawful to falsely impersonate a union representative.

Provides that a labor organization shall have, as a matter of internal governance, the sole authority to identify and designate the union representatives associated with the labor organization.

Provides a cause of action for a union representative alleging a violation of the prohibition against falsely impersonating a union representative.

[Authorizes civil penalties for violations.]

[Permits labor organizations to maintain a list of verifiable union representatives.]

A BILL FOR AN ACT

1
2 Relating to union misrepresentation.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Designated representative” has the meaning given that term in ORS 243.796.**

6 (b) **“Exclusive representative” and “labor organization” have the meanings given those**
7 **terms in ORS 243.650.**

8 (c) **“Falsely impersonate a union representative” means to use fraud or misrepresen-**
9 **tation to make a verbal or written communication that purports to be authorized or other-**
10 **wise approved by a labor organization but that has not, in fact, been authorized or approved**
11 **by the labor organization.**

12 (d) **“Fraud or misrepresentation” has the meaning given that term in ORS 677.188.**

13 (e) **“Union representative” means:**

14 (A) **An exclusive representative.**

15 (B) **A designated representative.**

16 (C) **An employee or staff member of a labor organization.**

17 (D) **A member of a labor organization who serves in an elected or appointed position**
18 **within the union.**

19 **(2) It is unlawful for any person to falsely impersonate a union representative.**

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 **(3) To protect public employees who are members of a labor organization from fraud or**
2 **misrepresentation, including the false impersonation of a union representative, a labor or-**
3 **ganization shall have, as a matter of internal governance, the sole authority to identify and**
4 **designate the union representatives associated with the labor organization.**

5 **(4)(a) A union representative alleging a violation of this section may bring a civil action**
6 **in a court of appropriate jurisdiction to obtain damages.**

7 **(b) In addition to and not in lieu of any other damages that may be claimed, a plaintiff**
8 **shall receive liquidated damages in an amount of \$6,250 per incident in any action in which**
9 **the plaintiff establishes that the defendant falsely impersonated a union representative.**

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