

# B-Engrossed House Bill 3789

Ordered by the Senate May 23  
Including House Amendments dated April 4 and Senate Amendments  
dated May 23

Sponsored by Representatives PHAM H, SOSA, NERON, ANDERSEN, GRAYBER; Representatives CHAICHI, CHOTZEN, DOBSON, FRAGALA, GAMBA, GOMBERG, HUDSON, KROPF, MUNOZ, NELSON, NOSSE, WALTERS, WATANABE, Senators BROADMAN, FREDERICK, LIEBER, MANNING JR, 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).

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.

## 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, with the intent to undermine or interfere with the operations of**  
12 **the labor organization, or otherwise negatively impact the labor organization.**

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

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

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

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

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

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

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

21 (3) **To protect public employees who are members of a labor organization from fraud or**  
22 **misrepresentation, including the false impersonation of a union representative, a labor or-**

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

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

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

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