

Requested by Senator BONHAM

**PROPOSED MINORITY REPORT AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3789**

On page 1 of the printed A-engrossed bill, delete lines 4 to 19 and delete page 2 and insert:

“SECTION 1. (1) As used in this section:

“(a) ‘Designated representative’ has the meaning given that term in ORS 243.796.

“(b) ‘Exclusive representative’ and ‘labor organization’ have the meanings given those terms in ORS 243.650.

“(c) ‘Falsely impersonate a union representative’ means 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 that has not, in fact, been so authorized or approved, with the intent to defraud or deceive another person into believing the communication was authorized or approved, for the purpose of undermining, interfering with or otherwise negatively impacting the labor organization.

“(d) ‘Fraud or misrepresentation’ has the meaning given that term in ORS 677.188.

“(e) ‘Union representative’ means:

“(A) An exclusive representative.

“(B) A designated representative.

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

1 “(D) A member of a labor organization who serves in an elected or
2 appointed position within the union.

3 “(2) It is unlawful for any person to falsely impersonate a union
4 representative.

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

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

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

18 “(5) This section may not be construed to impose liability on any
19 speech, expression or conduct protected by the First Amendment to
20 the United States Constitution, as made applicable to the states
21 through the Fourteenth Amendment to the United States Constitu-
22 tion, or by the Oregon Constitution.

23 “SECTION 2. (1) As used in this section:

24 “(a) ‘Designated representative’ has the meaning given that term
25 in ORS 243.796.

26 “(b) ‘Exclusive representative,’ ‘labor organization’ and ‘public em-
27 ployee’ have the meanings given those terms in ORS 243.650.

28 “(c) ‘Misrepresentation’ means an intentional misstatement, omis-
29 sion or concealment of a material fact.

30 “(d) ‘Union representative’ means:

1 **“(A) An exclusive representative.**

2 **“(B) A designated representative.**

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

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

6 **“(2) It is unlawful for a union representative to knowingly use**
7 **misrepresentation to:**

8 **“(a) Mislead or deceive a public employee into believing that mem-**
9 **bership in a labor organization is mandatory or that public employees**
10 **do not have the right to decline or withdraw from labor organization**
11 **membership.**

12 **“(b) Hinder or prevent a public employee from exercising, or cause**
13 **a public employee to refrain from exercising, the right to decline or**
14 **withdraw from labor organization membership.**

15 **“(3)(a) A public employee alleging a violation of this section may**
16 **bring a civil action in a court of appropriate jurisdiction to obtain**
17 **damages.**

18 **“(b) In addition to and not in lieu of any other damages that may**
19 **be claimed, a plaintiff shall receive statutory damages in an amount**
20 **of \$6,250 per incident in any action in which the plaintiff establishes**
21 **that the defendant engaged in conduct in violation of this section.”.**