

HB 2944 - The PECBA Accountability Act

Talking Points

2025 Legislative Session

Talking Points

The vast majority of public employers are in compliance with the timelines identified in HB 4016 from the 2019 session. Unfortunately, there are some employers who are chronically tardy. Some employers may garner signature-authorized dues and other deductions, but do not remit those deductions to the union for periods well beyond 30 days. Sometimes it will take months to receive the remittance.

HB 2944 seeks to clarify the timeline for timely dues remittance and add an escalating fine structure to employers failing to comply. We also seek to increase fines and penalties against those employers who do not share the specified information on employees with their union representation.

HB 2944 seeks to increase accountability for those employers who do not comply with the mandatory timelines in PECBA.

- within 10 calendar days from new hire
- 120 days for every employee not newly hired
- Dues and other signature-authorized deduction remittance (no current described timeline for mandate of remittance, but most operate in a 30 day window)

In 2019, the above timelines were highly negotiated in 2019, and now we see this as a housekeeping bill to clarify timelines and outcomes. Timelines are reviewed and enforced by the [Employment Relations Board](#) Process under the [Unfair Labor Practice protocols](#) which are costly, take valuable time, and resources to hold bad actors accountable for existing statutes.

After the Supreme Court attacked labor unions nationwide with the decision of the Janus v. AFSCME case in 2018, unions have struggled to receive accurate and timely data and dues transfers from public employers. After ten years of implementation, HB 2016 (2019) provides a clear solution .

The need to increase penalties for employers who are chronically failing to make timely fund transfers . These employers are not following the law that stipulates the mandatory timeline for information and remittance which creates barriers for workers to organize themselves.

1- Amendments

The dash one amendments designate the wage security fund as the repository for any fines assessed to employers failing to comply with the timelines designated in HB 4016 from the 2019 Session. It also removes the option for a right of private action, thereby ensuring that timely remittance of information and deductions will continue to be enforced through the Employee Relations Board (ERB) of PECBA.

Ongoing Negotiations

As we are vetting the bill, we are currently working collaboratively with the League of Oregon Cities on an amendment to right size the fee structure for smaller public employers.

Background

(Excepted from HB 2016 (2019))

SECTION 5. (1)(a) A public employer shall provide an exclusive representative of an appropriate bargaining unit reasonable access to employees within the bargaining unit. (b) For purposes of newly hired employees in the bargaining unit, reasonable access includes, but is not limited to: (A) The right to meet with new employees, without loss of employee compensation or leave benefits; and (B) The right to meet with the new employees within 30 calendar days from the date of hire for a period of at least 30 minutes but not more than 120 minutes, during new employee orientation or, if the public employer does not conduct new employee orientations, at individual or group meetings. (c) For purposes of employees in the bargaining unit who are not new employees, reasonable access includes, but is not limited to: (A) The right to meet with employees during the employees' regular work hours at the employees' regular work location to investigate and discuss grievances, workplace-related complaints and other matters relating to employment relations; and (B) The right to conduct meetings at the employees' regular work location before or after the employees' regular work hours, during meal periods and during any other break periods. (2) A public employer shall permit an exclusive representative to use the public employer's facilities or property, whether owned or leased by the employer, for purposes of conducting meetings with the represented employees in the bargaining unit. (3)(a) An exclusive representative may hold the meetings described under subsection (1) of this section at a time and place set by the exclusive representative, provided that the meetings do not interfere with the employer's operations. (b) The exclusive representative shall have the right to conduct the meetings without undue interference and may establish reasonable rules regarding appropriate conduct for meeting attendees. (4)(a) If a public employer has the information in the employer's records, the public employer shall provide to the exclusive representative, in an editable digital file format agreed to by the exclusive representative, the following information for each employee in an appropriate bargaining unit: (A) The employee's name and date of hire; (B) Contact information including: (i) Cellular, home and work telephone numbers; (ii) Any means of electronic communication, including work and personal electronic mail addresses; and (iii) Home address or personal mailing address; and (C) Employment information, including the employee's job title, salary and work site location. (b) The public employer shall provide the information described in paragraph (a) of this subsection to the exclusive representative: (A) Within 10 calendar days from the date of hire for newly hired employees in an appropriate bargaining unit; and Enrolled House Bill 2016 (HB 2016-B) Page 3 (B) Every 120 calendar days for employees in the bargaining unit who are not newly hired employees. (5) An exclusive representative shall have the right to use the electronic mail systems or other similar communication systems of a public employer to communicate with the employees in the bargaining unit regarding: (a) Collective bargaining, including the administration of collective bargaining agreements; (b) The investigation of grievances or other disputes relating to employment relations; and (c) Matters involving the governance or business of the labor organization. (6) Nothing in this section: (a) Prevents a public employer from providing an exclusive representative access to employees within the bargaining unit beyond the reasonable access required under this section. (b) Limits any existing right of a labor organization to communicate with public employees.

SECTION 6. (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. Enrolled House Bill 2016 (HB 2016-B) Page 4 (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.

Background / Key elements

The Public Employee Collective Bargaining Act (PECBA), ORS 243.650 - 243.806, establishes a collective bargaining and dispute resolution process for Oregon's public employers and unions representing public employees.

“SECTION 5, ...4(a) If a public employer has the information in the employer’s records, the public employer shall provide to the exclusive representative, in an editable digital file format agreed to by the exclusive representative, the following information for each employee in an appropriate bargaining unit:”

“...(A) Within 10 calendar days from the date of hire for newly hired employees in an appropriate bargaining unit; and Enrolled House Bill 2016 (HB 2016-B) Page 3 (B) Every 120 calendar days for employees in the bargaining unit who are not newly hired employees.”

“(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.’

Relevant Statute: ORS 243.650 - 243.782

Prior related legislative concepts:

[2019 Public Employee Protection Act HB 2016](#)