

Senate Bill 310

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

Digest: Lets one party ask for a fact finder for an education labor dispute. (Flesch Readability Score: 63.4).

Requires only one party to file a petition for a fact finder if the public employer is a public education employer.

A BILL FOR AN ACT

1
2 Relating to labor disputes involving public education employers; amending ORS 243.712.

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

4 **SECTION 1.** ORS 243.712 is amended to read:

5 243.712. (1) If after a 150-calendar-day period of good faith negotiations over the terms of an
6 agreement or 150 days after certification or recognition of an exclusive representative no agreement
7 has been signed, either or both of the parties may notify the Employment Relations Board of the
8 status of negotiations and the need for assignment of a mediator. Any period of time in which the
9 public employer or labor organization has been found by the Employment Relations Board to have
10 failed to bargain in good faith shall not be counted as part of the 150-day period. This provision
11 cannot be invoked by the party found to have failed to bargain in good faith. The parties may agree
12 to request a mediator before the end of the 150-day period. Upon receipt of such notification or re-
13 quest, the board shall appoint a mediator and shall notify the parties of the appointment. The
14 150-day period shall begin when the parties meet for the first bargaining session and each party has
15 received the other party's initial proposal or on an alternative date to which the parties agree in
16 writing.

17 (2) The board, upon receipt of a notification or request under subsection (1) of this section, shall
18 render assistance to resolve the labor dispute according to the following schedule:

19 (a) Mediation shall be provided by the State Conciliation Service as provided by ORS 662.405
20 to 662.455. Any time after 15 days of mediation, either party may declare an impasse. The mediator
21 may declare an impasse at any time during the mediation process. Notification of an impasse shall
22 be filed in writing with the board, and copies of the notification shall be submitted to the parties
23 on the same day the notification is filed with the board.

24 (b) Within seven days of the declaration of impasse, each party shall submit to the mediator in
25 writing the final offer of the party, including a cost summary of the offer. Upon receipt of the final
26 offers, the mediator shall make public the final offers, including any proposed contract language and
27 each party's cost summary dealing with those issues, on which the parties have failed to reach
28 agreement. Each party's proposed contract language shall be titled "Final Offer."

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 (c) Within 30 days after the mediator makes public the parties' final offers, the parties may
2 jointly petition the Employment Relations Board to appoint a fact finder, **except that only one**
3 **party is required to petition the board if the public employer is a school district, an education**
4 **service district, a community college district or a public university listed in ORS 352.002.** If
5 the [*parties jointly petition*] **board is petitioned** for fact-finding, a fact finder shall be appointed and
6 the hearing conducted as provided in ORS 243.722.

7 (d) If an agreement has not been reached 30 days after the mediator makes public the final of-
8 fers, or if the parties participated in fact-finding, 30 days after the receipt of the fact finder's report,
9 the public employer may implement all or part of its final offer, and the public employees have the
10 right to strike. After a collective bargaining agreement has expired, and prior to agreement on a
11 successor contract, the status quo with respect to employment relations shall be preserved until
12 completion of impasse procedures except that no public employer shall be required to increase con-
13 tributions for insurance premiums unless the expiring collective bargaining agreement provides
14 otherwise. Merit step and longevity step pay increases shall be part of the status quo unless the
15 expiring collective bargaining agreement expressly provides otherwise.

16 (3) Nothing in subsection (1) or (2) of this section shall be construed to prohibit the parties at
17 any time from voluntarily agreeing to submit any or all of the issues in dispute to final and binding
18 arbitration. The arbitration shall be scheduled and conducted in accordance with ORS 243.746. The
19 arbitration shall supersede the dispute resolution procedures set forth in ORS 243.726 and 243.746.
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