

Governance

For the first time in a number of years, no bills were introduced to change the state or local governance structure of community colleges.

The focus this session was centered on how to best structure all levels education in Oregon so as to raise the education and skill levels of all Oregonians. Based on the concept of 40-40-20, the Governor's and Oregon Business Council's response to the looming workforce shortage forecasted by state and industry leaders, several legislators attempted to move legislation that would impact education structures statewide. The concept 40-40-20 aims to achieve the goal that all Oregonians have at least a high school diploma (20%), 40% have at least a two-year degree, and 40% have at least a baccalaureate degree. While the discussion was well-received by legislators in the House, no bills were passed.

NOT PASSED

HB 2614 – Education Enterprise Coordinating Commission

Establishes Education Enterprise Coordinating Commission within Department of Education.

Status: In committee on adjournment

For a full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2600.dir/hb2614.a.pdf>

HB 3338 – Education System Design Team

Creates Education System Design Team to better connect education from pre-kindergarten through higher education. Creates process of reviewing and connecting education budgets to further the 40-40-20 goal mentioned above.

Status: In committee on adjournment

For a full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb3300.dir/hb3338.a.pdf>

PERS

Unlike recent legislative sessions, PERS did not dominate conversations in the capital this session. A handful of bills put forward by the PERS Board and supported by both labor and employer groups passed. OCCA and its partners in the PERS alliance succeeded in preventing any far-reaching changes from passing. The PERS Alliance was formed in 2006 during the interim and consists of employer groups.

The most significant change was made in House Bill 2285 which eliminates break-in-service statutory provisions passed in the 2005 session when the Oregon Public Service Retirement Program (OPSRP) was created. This change was supported by the PERS Board because the administrative cost of break-in-service was greater than the savings achieved. The bill also changed the methodology for tracking part-time employees in the OPSRP Pension program and provided retirement credit under the OPSRP Pension program to be calculated in the same manner as creditable service under PERS Chapter 238 (Tier One/Two) programs.

Several other bills of interest include SB 342 and SB 4 which allow retired nursing educators the opportunity to teach again after retirement without impacting their current retirement situation, under the existing 1039 hour rule. OCCA strongly supported this change. HB 2585 allows community colleges to hire retired public employees as teachers or administrators. This bill affects districts in counties with no more than 35,000 residents. OCCA worked with legislators to support this provision which will help smaller, rural colleges. Finally, HB 2007, directs PERS to extend the same rights and benefits to domestic partners as those to married individuals, unless such extension would conflict with a condition of the plan's tax qualification.

Public Employment Retirement System (PERS)

HB 2281 – PERS Withdrawal

Effective date: January 1, 2008

Chapter: 52 (2007 Laws)

Provides that member of Public Employees Retirement System may withdraw account held for member in system only if member withdraws all other member accounts in system that member is eligible to withdraw and withdraws from pension program of Oregon Public Employees Retirement System.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2200.dir/hb2281.en.pdf>

HB 2282 – Public Employment Retirement System

Effective date: January 1, 2008

Chapter: 53 (2007 Laws)

Changes terminology for challenges made by members of Public Employees Retirement System to accuracy of information used by board in calculating retirement allowances or benefits.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2200.dir/hb2282.en.pdf>

HB2283 - Public Employees Retirement Board

Effective Date: June 26, 2007 Chapter: 623 (2007 Laws)
Authorizes Governor to appoint member of Oregon Investment Council who also serves on Public Employees Retirement Board.
Status: Governor signed
For a full text of the measure:
<http://www.leg.state.or.us/07reg/measpdf/hb2200.dir/hb2284.en.pdf>

HB 2284 – Relating to Public Employee Retirement

Effective Date: January 1, 2008 Chapter: 624 (2007 Laws)
Provides that person who is absent from service with public employer by reason of disciplinary action or other administrative action does not have break in service under Public Employees Retirement System if person challenges action.
Status: Governor signed.
For a full text of the measure:
<http://www.leg.state.or.us/07reg/measpdf/hb2200.dir/hb2284.en.pdf>

HB 2285 - Relating to Public Employee Retirement

Effective Date: January 1, 2008 Chapter: 769 (2007 Laws)
Eliminates provisions relating to break in service under Oregon Public Service Retirement Plan.
Status: Governor signed
For the full text of the measure:
<http://www.leg.state.or.us/07reg/measpdf/hb2200.dir/hb2285.en.pdf>

HB 2585 – Relating to education

Effective Date: July 16, 2007 Chapter: 774 (2007 Laws)
Allows community college district or education service district to hire retired public employee as teacher or administrator if primary work duties of public employee are performed in county of not more than 35,000 inhabitants.
Status: Governor signed
For the full text of the measure:
<http://www.leg.state.or.us/07reg/measpdf/hb2500.dir/hb2585.en.pdf>

SB 4 – Relating to Nursing

Effective Date: July 17, 2007 Chapter: 789 (2007 Laws)
Declares nursing workforce and nursing faculty shortage. Includes a provision to exempt PERS eligible nursing instructors from the 1039 hour exemption after retirement if employed by a public employer.
Status: Governor signed
For the full text of the measure:
<http://www.leg.state.or.us/07reg/measpdf/sb0001.dir/sb0004.en.pdf>

SB 342 – Retired Nurse Educators Exemption

Effective Date: January 1, 2008

Chapter: 499 (2007 Laws)

Allows nurse or employee of Department of Public Safety Standards and Training who is retired under Public Employees Retirement System to be employed full-time by public employer as nursing instructor or department instructor without loss of retirement benefits.

Status; Governor signed.

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0300.dir/sb0342.en.pdf>

NOT PASSED

HB 2593 - Relating to Public Employee Retirement

Allows person who is retired under Public Employees Retirement System to be employed full-time by public employer as nurse or nurse instructor without loss of retirement benefits. This provision was included in SB 342 and SB 4 and will become law.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2500.dir/hb2593.intro.pdf>

HB 3061 – Relating to public employee retirement

Requires Public Employees Retirement Board to allow retired members and beneficiaries to make voluntary monthly contributions to labor organizations.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb3000.dir/hb3061.intro.pdf>

Personnel

With the change in leadership in the Oregon House of Representatives, this session saw a whole host of bills that would affect community college personnel. Many of the bills were focused on employer/employee relations, health insurance and collective bargaining. Although a substantial number of bills did not pass there are some that should be noted.

A major piece of legislation that will affect health care benefits is Senate Bill 426. The bill creates the Oregon Educators Benefit Board (OEBB), a mandatory pooling of school districts into a newly created health care benefits board. Community colleges were not included in the legislation, but have the option to participate if they choose. Once a college opts in, however, it may not opt out of the pool. OCCA raised concerns about this and how eligible employees are defined to include part-time employees – a decision that has in the past been left to the local community college. As a result of passage of this legislation, the Oregon School Boards Association announced the dissolution of its health trust – a decision impacting fourteen community colleges and OCCA.

Several bills passed that will affect community college collective bargaining. Of particular note is House Bill 2891 which allows the Employment Relations Board to certify a labor organization as the exclusive representative of employees if presented with signed authorization cards by a majority of the employees. Under these new provisions, if 50% or more of the workers present cards to the board, there is no election and the employer must recognize that union. However if 30% of the workers in the unit respond by requesting an election within fourteen days, the election must be held.

Senate Bill 2 and House Bill 2007 expanded employer/employee relations by giving domestic partners similar rights and benefits as married individuals, as well as, making it illegal to discriminate based on sexual orientation.

House Bill 2578, which did not pass, would have required that a specific percentage of undergraduate courses be taught by full-time tenured faculty and part-time faculty be compensated on a standard equal to a full-time tenured faculty member. Though the bill did not pass the Post -secondary Education Quality Commission, created by Governor Kulongoski in an Executive Order, was asked to study full-time and part-time faculty at community colleges.

A bill that did not pass but will likely come before the Legislature again is House Bill 2575. This bill would have created the Family Leave Insurance Benefits Program funded by premiums paid by employees from their earnings to provide family leave benefits to employees taking family leave. The bill did not pass after it fell two votes short in the Senate during the last days of the session.

Health Insurance

SB 426 – Relating to benefit plans for education district employees

Effective Date: March 21, 2007

Chapter: 7 (2007 Laws)

Establishes Oregon Educators Benefit Board. Does not require participation by community college districts.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0400.dir/sb0426.en.pdf>

Employer/Employee Relations

SB 2 – Relating to sexual orientation discrimination

Effective date January 1, 2008 Chapter: 100 (2007 laws)

Prohibits, in specified areas of law, discrimination against persons based on sexual orientation.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0001.dir/sb0002.en.pdf>

SB 946 – Relating to leave from work for victims of certain crimes

Effective Date: May 25, 2007 Chapter: 499 (2007 Laws)

Requires certain employers to allow eligible employees to take unpaid leave to obtain services or treatment relating to domestic violence, sexual assault or stalking.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0900.dir/sb0946.en.pdf>

HB 2007 – Relating to same-sex relationships

Effective Date: January 1, 2008 Chapter: 99 (2007 Laws)

Establishes requirements and procedures for entering into domestic partnership contract between individuals of same sex.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2007.en.pdf>

HB 2047 – Relating to criminal records checks of school personnel

Effective Date: January 1, 2008 Chapter: 25 (2007 Laws)

Combines statutes relating to criminal records checks of school personnel requested by Department of Education and Teacher Standards and Practices Commission. Allows Department of Education to require fingerprinting of community college faculty members providing instruction at a kindergarten to grade 12 school site during the regular school day.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2047.en.pdf>

HB 2139 – Relating to mediation

Effective Date: January 1, 2008 Chapter: 12 (2007 Laws)

Provides that mediation of workplace interpersonal disputes between employees of public body may be confidential.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2100.dir/hb2139.en.pdf>

HB 2372 – Relating to breast-feeding.

Effective Date: January 1, 2008 Chapter: 144 (2007 Laws)

Requires employers of 25 or more employees to provide unpaid rest periods to employees to express milk if providing rest periods does not cause undue hardship on operation of employer's business.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2300.dir/hb2372.en.pdf>

Collective Bargaining

HB 2070 – Relating to fees charged by Employment Relations Board

Effective Date: July 1, 2007 Chapter: 296 (2007 Laws)

Increases fee from \$100 to \$250 to file answer with Employment Relations Board in unfair labor practice proceedings under public employees collective bargaining law.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2070.en.pdf>

HB 2891 – Relating to certification of labor organization by the Employment Relations Board

Effective Date: July 27, 2007 Chapter: 833 (2007 Laws)

Requires Employment Relations Board, unless petition for representation election is filed, to certify labor organization as exclusive representative of employees if board finds that majority of employees in unit appropriate for bargaining have signed auth

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2800.dir/hb2891.en.pdf>

NOT PASSED

HB 2575 – Relating to family leave benefits insurance

Creates Family Leave Benefits Insurance program to provide benefits to employees taking family leave funded from premiums paid from employee earnings.

Status; Failed in Senate

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2500.dir/hb2575.a.pdf>

HB 2578 – Relating to higher education faculty

Specifies percentage of undergraduate courses to be taught by full-time tenured and tenure-track faculty at public institutions of higher education

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2500.dir/hb2575.b.pdf>

HB 2725 – Relating to unemployment insurance benefits for certain educational institution employees

Removes individuals who are performing services in other than instructional, research or principal administrative capacity at certain educational institutions from disqualification for receipt of unemployment insurance benefits during certain periods.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2700.dir/hb2725.intro.pdf>

HB 2892 - Relating to union organizing

Prohibits use of state funds to assist, promote or deter union organizing.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2800.dir/hb2892.intro.pdf>

HB 2893 – Relating to mandatory workplace communications to employee about employer's opinions.

Prohibits employer from requiring employee to attend meeting or participate in communication concerning employer's opinion about religious or political matters.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2800.dir/hb2893.intro.pdf>

HB 3348 – Relating to intellectual diversity

Directs each state institution of higher education to report to Legislative Assembly on steps institution is taking to ensure intellectual diversity and free exchange of ideas.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb3300.dir/hb3348.intro.pdf>

HB 3350 – Relating to higher education

Directs governing boards of post-secondary institutions to adopt rule on academic freedom and rights of faculty, instructors and students.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb3300.dir/hb3350.intro.pdf>

Operations

A number of bills passed that will impact community college operations including changes to public contracting, public records and seismic requirements in Oregon.

Oregon passed one of the nation's first laws dealing with solar energy in public contracting projects. House Bill 2620 requires that all public buildings with major reconstructions or renovation costs over 50% of the value of the building dedicate 1.5% of the total contract price on appropriate solar energy technology. The public entity has the ability to exempt itself from this requirement if implementation is not appropriate and defer the set aside to a future project. The law applies to new construction after January 2008.

Senate Bill 1 adds to previous seismic legislation passed in the 2005 session. Senate Bill 1 funded the Seismic Grant Committee, which is charged with developing a prioritization process for determining how bonding authority for seismic projects will be used and for what buildings.

Prevailing wage and public contracting legislation passed this session primarily made technical fixes to current law. House Bill 2021 clarified issues that have arisen since the enactment of Senate Bill 477 (2005), such as ensuring that state and federal prevailing wage rates in a public works contract are disclosed and that a worker is paid the correct wage rate. House Bill 2140 made technical changes to the law to resolve issues identified during the implementation of the recently passed public contracting laws.

Public Contracting

HB 2021 – Relating to prevailing rates of wage

Effective Date: January 1, 2008 Chapter: 844 (2007 Laws)

Makes public agency liable for workers' unpaid wages, fringe benefits and liquidated damages when public agency fails to include certain information about prevailing rates of wage in specifications for public works contract.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2021.en.pdf>

HB 2140 – Relating to the Public Contracting Code

Effective Date: July 13, 2007 Chapter: 764 (2007 Laws)

Makes technical changes to Public Contracting Code.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2100.dir/hb2140.en.pdf>

HB 2620 – Relating to inclusion of solar energy technologies in public buildings

Effective Date: January 1, 2008

Chapter: 280 (2007 Laws)

Provides that public improvement contracts for construction or certain reconstruction or major renovation of public buildings are considered to contain amount equal to at least 1.5 percent of total contract price for inclusion of appropriate solar energy.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2600.dir/hb2620.en.pdf>

Public Records

SB 554 – Relating to public records

Effective Date: January 1, 2008

Chapter: 467 (2007 Laws)

Requires public body to respond to written request for public record as soon as practicable and without unreasonable delay.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0500.dir/sb0554.en.pdf>

Miscellaneous

HB 2676 – Relating to adverse possession

Effective Date: January 1, 2008

Chapter 552 (2007 Laws)

Prohibits application of adverse possession to extinguish or diminish real property interest of school for children who are deaf, school for children who are blind, post-secondary institution, education service district or school district.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2600.dir/hb2676.en.pdf>

HB 3178 – Relating to public charter schools.

Effective Date: January 1, 2008

Chapter: 671 (2007 Laws)

Directs public bodies to make available to public lists of vacant and unused buildings and portions of buildings that may be suitable for operation of public charter school.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb3100.dir/hb3178.en.pdf>

HB 3279 – Relating to student journalists

Effective Date: July 13, 2007

Chapter: 763 (2007 Laws)

Directs public bodies to make available to public lists of vacant and unused buildings and portions of buildings that may be suitable for operation of public charter school.

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb3200.dir/hb3279.en.pdf>

SB 1 – Relating to state financial administration, Seismic grant committee

Effective Date: July 17, 2007

Chapter: 787 (2007 Laws)

Appropriates moneys from General Fund to Office of Emergency Management for seismic rehabilitation grant committee.

Status :Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0001.dir/sb0001.en.pdf>

SB 583 – Relating to the Oregon Consumer Theft Protection Act

Effective Date: October 1, 2007

Chapter: 759 (2007 Laws)

Requires person that owns, maintains or possesses data that includes consumer's personal information and is used in person's business, vocation, occupation or volunteer activities to notify consumer following discovery of breach of security if personal in

Status: Governor signed

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0500.dir/sb0583.en.pdf>

SB 571 – Relating to smoking

Effective Date: January 1, 2009

Chapter: 602 (2007 Laws)

Expands prohibition of smoking in public places and places of employment.

Status: Governor signed

For a full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0500.dir/sb0571.en.pdf>

NOT PASSED

Public Contracting

HB 2476 – Relating to public body contracts for work in licensed building trades

Requires public body to require proof that person contracting to perform building trade work for public body is properly licensed and appropriately bonded.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2400.dir/hb2476.a.pdf>

HB 2618 – Relating to apprenticeship

Prohibits public agencies from entering into public works contracts for which contract price exceeds \$750,000 unless public agency verifies that every employer under contract is approved apprenticeship training agent.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2600.dir/hb2618.a.pdf>

HB 2671 – Relating to best value public contracting

Requires public contracting agency to award public contract based on bid, proposal or offer that provides best value to agency.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2600.dir/hb2671.intro.pdf>

HB 2944 – Relating to determination of applicability of prevailing wage rates

Requires Commissioner of Bureau of Labor and Industries, upon request, to determine whether project is public works on which payment of prevailing wage rates is required.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2900.dir/hb2944.a.pdf>

HB 2998 – Relating to fabrication of nonstandard items specifically for public works project

Modifies definition of 'public works' to include fabrication or manufacture of nonstandard items produced by contract specifically for public works project for which prevailing wage rates are required.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2900.dir/hb2998.intro.pdf>

SB 576 – Relating to construction of high performance buildings

Directs State Department of Energy, in cooperation with Oregon Department of Administrative Services, to require that major facility projects be planned, designed, constructed and renovated to meet high performance building standards for energy efficiency.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/sb0500.dir/sb0576.a.pdf>

NOT PASSED

Public Records

HB 2085 – Relating to political subdivision public records

Directs State Archivist to provide certain assistance and training to political subdivisions relating to public records management, retention, long-term storage and disposition.

Status: In committee on adjournment

For the full text of the measure:

<http://www.leg.state.or.us/07reg/measpdf/hb2000.dir/hb2085.a.pdf>