



# OREGON LEGISLATIVE POLICY, RESEARCH, & COMMITTEE SERVICES

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## **Issue Brief...Oregon Public Employee Union Membership**

Oregon law gives most state and local government employees the right to join unions and collectively bargain (ORS 243.662). Elected officials, persons appointed to serve on boards or commissions, certain incarcerated persons, confidential employees, supervisory employees, and state managerial employees are not allowed to join unions or collectively bargain (ORS 243.650 (19)). Membership in a public employee union is voluntary. The Employment Relations Board interprets the state laws regarding public employee collective bargaining. Federal law (including the Landrum-Griffin Act, 29 USC 401 et seq.) also governs the activities of unions.

### **Types of Public Employee Union Members**

There are three categories of people who are represented by public employee unions:

- 1) **Voluntary member:** a full member of the union paying full dues. Voluntary members receive perks not available to other types of employees. A voluntary member may choose to designate an additional amount directed toward union political activities.
- 2) **“Fair share” employee:** an employee who makes a payment in lieu of dues to a union, normally equivalent to the dues paid by voluntary members (ORS 243.650(10)). Fair share employees are represented by the union in collective bargaining but are not considered full members of the union. These members are eligible, due to a U.S. Supreme Court ruling (*Communications Workers of America v. Beck*, 487 U.S. 735 (1988)), to receive a rebate at the end of each year for the portion of their dues that were used to fund activities other than those directly related to collective bargaining.
- 3) **Exempted employee (bona fide religious reasons) :** an employee who makes a payment in lieu of dues to a charitable organization mutually agreed to by the employee and the union (ORS 243.666). The religious objection must be documented in the tenets of a bona fide religious organization. The employee still gains the benefit of the collective bargaining of the union.

### **Dues Collection**

Public union members and fair share employees are allowed to use payroll deduction to pay their union dues or payment in lieu of dues (ORS 292.055). Most of the large public unions use payroll deduction to collect union dues from members.

As mentioned above, fair share employees are eligible for a rebate of the portion of their “dues” used for activities other than those directly related to collective bargaining. These rebates are usually issued once per year as determined by an independent auditor. Some unions will also issue rebates to voluntary members (depends on union).

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## Current Issues

The issue of payroll deduction of union dues has been in the national spotlight in recent years. California voters recently considered Proposition 226, an initiative which would have required all public and private employers and labor organizations to obtain annual written permission prior to deducting union dues or fees for political purposes. The measure was rejected 53% to 47% in June 1998.

In Oregon, two ballot measures regarding union dues will be considered in the November 1998 general election. Measure 59 is a constitutional amendment intended to prevent state and local government employers from collecting or assisting in the collection of political funds. The initiative defines "political funds" as spending money on activities such as: contributions to candidates or political committees, independent expenditures, supporting or opposing a candidate or ballot measure, signature collection for initiatives, direct mail and media campaigns, or attempts to encourage or discourage signature of initiative petitions.

Measure 62, also a constitutional amendment, is entitled the "Open and Fair Elections Act". One of its components would guarantee a public employee's right to voluntarily contribute to political activities through their choice of payment, including payroll deduction by a public or private employer.

## Terms

- ◆ **Check Off (payroll deduction)**: the act of an employer deducting union dues from employees' paychecks, bundling the funds collected, and sending them to the union. This term is also used to describe payroll deductions for other purposes (e.g., car payments, insurance payments, charitable contributions).
- ◆ **Collective Bargaining**: the negotiations between an employer and the employees' designated union representatives on matters of wages, hours, benefits, and other working conditions.
- ◆ **Fair Share Employee**: an employee who does not join a union, but pays an amount to the union in the equivalent of dues to compensate the union for their collective bargaining services.
- ◆ **Payment in Lieu of Dues**: the amount paid to a union by a fair share employee covered by the union's collective bargaining activities. The amount is usually the same as dues paid by volunteer members. This also describes the money paid to charity by religious exempted employees.
- ◆ **"Right to Work"**: an organization in which joining a union cannot be a condition of employment and "fair share" is not allowed.

## More Information

Ballot Measure 59: Oregon Taxpayers United, 503-655-0060

Ballot Measure 62: Oregonians for Open and Fair Elections, 503-241-3075