

# Legislative Education Day

March 5-6, 2017 • State Capitol • Salem, Oregon



## Outsourcing

**Overview:** Oregon public agencies must follow very specific steps when considering whether to outsource jobs. In 2009, the Oregon School Employees Association (OSEA) helped pass a bill requiring a cost analysis be performed any time a public agency wanted to outsource jobs with a contract price of more than \$250,000.

The current law does not provide the process and guidance local governments and school districts need in order to comply with the law, nor does it provide appropriate legal protections for employees faced with the possibility of losing their job.

### **OSEA supports Senate Bill (SB) 294/House Bill (HB) 2188**

**Relating clause (same for both bills):** Permits employee of contracting agency that conducts cost analysis or determines feasibility of procurement, or exclusive representative of employee's bargaining unit, to seek judicial review of cost analysis or determination; specifies conditions under which review may occur.

#### **These bills would provide:**

- Clarity in what must be included in a required cost analysis and when an agency can outsource based on that analysis
- A method for contracting agencies to legally acquire the information needed to conduct an accurate cost analysis
- A judicial writ of review to challenge alleged violations of the cost analysis and feasibility determination status — the same quick and less costly process used in the rest of the contractor code to challenge an improper cost analysis when jobs are at stake
- Labor unions the legal status to challenge alleged violations on behalf of affected employees; currently, employees must argue on their own that they have the right to challenge the action and — if allowed — endure a slow and expensive civil court process that may provide no meaningful resolution

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