

HOUSE COMMITTEE ON AGENCY OVERSIGHT AND EFFICIENCY

April 17, 1997 Hearing Room H 170

1:30 p.m. Tapes 41

MEMBERS PRESENT:

Rep. Jane Lokan, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Tom Brian

Rep. Ryan Deckert

Rep. Steve Harper

Rep. Eldon Johnson

Rep. Mike Lehman

STAFF PRESENT:

Judy Edstrom, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD:

Special Hearing related to the procedures and practices in emission control testing of vehicles by Department of Environmental Quality (DEQ)

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE 41, A		
004	Chair Lokan	Calls the meeting to order at 1:52 p.m. Explains the Republicans have just come from caucus and that is why the meeting is starting late. Explains the purpose of the meeting. Some information has come to light about practices at the DEQ stations. A constituent called the chair about an incident at the Clackamas DEQ, which was disturbing to him. Asks the Committee Administrator to read the letter from the constituent
027		

	Judy Edstrom	Committee Administrator, reads the letter [EXHIBIT A] from the constituent.
053	Chair Lokan	Says she has permission of Mr. Harris to use his name. The letter raises questions.
063	Rep. Lehman	Agrees that the conduct is egregious if it indeed did happen this way. Says we are interjecting ourselves into a matter that should be handled by the employers and perhaps a criminal investigation. This is an opportune time for many reasons to air this issue, but perhaps it should be done with a criminal investigation. The committee's actions could hinder that process. The agencies should have their time to deal with the matter before we step into the middle of it.
089	Chair Lokan	Says she would still like to hear from DEQ. Calls Lydia Taylor forward.
094	Lydia Taylor	Deputy Director, Department of Environment Quality (DEQ), says this is improper behavior if it has happened this way. Does not know if it is criminal behavior. Has not heard this complaint before. Said the union did have an activity near the vehicle inspection area on April 1. They were provided with verbal instruction to not do anything on business time but use their own time. This was not done according to instructions given to employees. Employees may not coerce anyone, in any way, in order that the owner's vehicle is passed by DEQ. As a general rule, if an air hose is disconnected, we will pass the vehicle and ask the customer to have the hose connected. Would like to have the identity of the employee. Want to listen to employee's side and take appropriate action.
130	Chair Lokan	Are you aware the postcards are available at your testing stations?
132	Taylor	I am not aware that the postcards are available at the stations. If employees are handing them out, it is contrary to policy. Employees do have some freedoms of speech, but if they are in a test station they are not to do this.
141	Vice-Chair Devlin	Thanks Rep. Lehman for his concerns. Is the purpose of this hearing for alleged misconduct by an employee? Is this the correct venue for that? The alleged misconduct by one employee should not have a bearing on the state's decision on an entire program.
152	Chair Lokan	Thanks Rep. Devlin. Any other comments?
153	Rep. Lehman	Asks Ms. Taylor if she has ever received a card or any identification of who the individual is at the test site in question.
156	Taylor	We have heard rumors that today's hearing would deal with employee misconduct. This is the first she has seen of the letter. DEQ has never received complaints of this nature. Asked a union representative for a copy of the postcard handed out on April 1.
169	Chair Lokan	Did you work with the union and were you aware of this?
171	Taylor	No. We did not work with the union. We were cautious in not breaking any laws. Instructed the union leaders not to do this on work time, inside the stations, or go past the stop line. We knew the event was going on.

185	Chair Lokan	Shows the postcard to Taylor. Five of the six metro area stations have postcards ready to distribute. Says an individual went to the station in question and was able to pick up the card. This assumes that people have been using their work time to distribute their cards.
203	Taylor	We appreciate the information. We do not condone that. We were unaware the postcards were at the station. We will take action.
208	Chair Lokan	If the cars are queued up, is it assumed that employees are handing them out during work?
212	Taylor	If they were handing out cards during work time, that is inappropriate. Comments on taking actions on public property that are not allowed. Freedom of speech is okay behind the stop line. On the other side, it is our time and not appropriate.
235	Chair Lokan	This happened yesterday while the person was going through the line and was offered to be passed if he was willing to fill out the postcard.
240	Taylor	Would like sufficient information to take disciplinary action against the employee.
242	Rep. Harper	Requests a two-minute recess.
243	Chair Lokan	The committee is at recess (2:08 p.m.).
		Rep. Brian arrives at 2:11 p.m.
245	Chair Lokan	Reconvenes meeting at 2:13 p.m. Says it appears to her that there is a potential criminal violation here. There should be an investigation, and the investigation should not be compromised. Declares the special meeting adjourned at 2:14 p.m.

Submitted by, Reviewed by,

Valerie Luhr Judy Edstrom

Administrative Support Administrator

Transcribed by,

Gina Cross

Committee Clerk

EXHIBIT SUMMARY

A - Constituent's Letter, Rep. Jane Lokan, 1 p.