

HOUSE COMMITTEE ON LABOR

May 13, 1997 Hearing Room E

8:00 AM Tapes 79 - 80

**MEMBERS PRESENT:**

Rep. Steve Harper, Chair Harper

Rep. Mike Fahey, Vice-Chair Harper

Rep. Chris Beck

Rep. Dan Gardner

Rep. Bill Markham

Rep. John Minnis

Rep. Ron Sunseri

**STAFF PRESENT:**

Cara Filsinger, Administrator

Paul Zolezzi, Administrative Support

**MEASURE/ISSUES HEARD:**

SB 161A Public Hearing

SB 781A Public Hearing and Work Session

SB 840A Public Hearing and Work Session

SB 283A Work Session

SB 524 Work Session

**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 79, A		
004	Chair Harper	Calls meeting to order at 8:00 a.m. Opens public hearing on SB 161A.

<b><u>SB 161A - PUBLIC HEARING</u></b>		
017	Chair Harper	Closes public hearing on SB 161A and opens public hearing on SB 781A.
<b><u>SB 781A - PUBLIC HEARING</u></b>		
023	Hasina Cassim	Oregon Fire Chiefs' Association. Explains and supports SB 781A. Introduces Jack Carriger.
051	Jack Carriger	Representing Oregon Volunteer Firefighters Association. States that bill helps define roles and responsibilities of employers and volunteers. Supports SB 781A.
060	Chair Harper	Asks if written permission is pre-filed with employers.
061	Carriger	Responds yes. Says that volunteer would be encouraged to contact their employer in advance, then give oral notification.
068	Cassim	Explains that language for request was not specified.
072	Carriger	Explains need for bill. Discusses Conflagration Act history.
084	Chair Harper	Closes public hearing on SB 781A. Opens work session on SB 781A.
<b><u>SB 781A - WORK SESSION</u></b>		
086	Rep. Fahey	<b>MOTION: Moves SB 781A to the floor with a DO PASS recommendation.</b>
094		<b>VOTE: 6-0</b> <b>AYE: 6 - Beck, Fahey, Gardner, Markham, Sunseri, Harper</b> <b>EXCUSED: 1 - Minnis</b>
095	Chair Harper	<b>The motion CARRIES.</b> <b>REP. WHELAN will lead discussion on the floor.</b>
098	Chair Harper	Closes work session on SB 781A. Opens public hearing on SB 840A.
<b><u>SB 840A - PUBLIC HEARING</u></b>		
114	Mike Obymako	Vice-President; General Manager, Hoodoo Ski Area and Hoodoo Recreation Services. <b>[EXHIBIT A]</b> . Supports SB 840A. Requests that volunteers be treated the same as public service organizations.

164	Steve Vincent	Representing Hoodoo Recreation Services [EXHIBIT B]. Supports SB 840A.
175	Rep. Fahey	Asks what the limit is on the amount of camp ground hosts.
177	Obymako	Says there is generally one host per campground.
183	Rep. Fahey	Asks if campground hosts collect money.
184	Obymako	Responds no.
191	Rep. Fahey	Asks if parks are bid on.
191	Obymako	Responds yes.
209	Chair Harper	Closes public hearing on SB 840A. Opens work session on SB 840A.
<b><u>SB 840A - WORK SESSION</u></b>		
215	Vincent	Explains and supports -A4 amendments [EXHIBIT C].
226	Rep. Minnis	<b>MOTION: Moves to ADOPT SB 840A-4 amendments dated 5/7/97.</b>
227	Chair Harper	<b>Hearing no objections, declares the motion CARRIED.</b>
228	Rep. Minnis	<b>MOTION: Moves SB 840A to the floor with a DO PASS AS AMENDED recommendation.</b>
229		<b>VOTE: 7-0</b> <b>AYE: 7 - Beck, Fahey, Gardner, Markham, Minnis, Sunseri, Harper</b>
235	Chair Harper	<b>The motion CARRIES.</b> <b>REP. HARPER will lead discussion on the floor.</b>
241	Chair Harper	Closes work session on SB 840A. Opens public hearing on SB 161A.
<b><u>SB 161A - PUBLIC HEARING</u></b>		
260	Karen Roach	Assistant Director for Human Resources, Department of Corrections (DOC) [EXHIBIT D]. Introduces Jim McInstosh. Explains and supports SB 161A.
310	Roach	Explains arbitration awards. Explains section 2 of the measure and associated fiscal impacts. Discusses need for employee mobility and explains associated barriers.
360	Roach	Explains that DOC is trying to get centrally directed staff into a common bargaining unit. Discusses employee transfers.
	Jim	

381	McIntosh	Human Resource Services Division, DOC. Supports SB 161A.
389	Rep. Markham	Asks if there was an oversight in the original law.
392	Roach	Responds no and explains.
423	Rep. Fahey	Asks if the rate being discussed is from 1993-95 before implementation of SB 750.
<b>TAPE 80, A</b>		
008	Roach	Responds yes.
011	Rep. Fahey	Asks if DOC is requesting that they be able to transfer employees to different departments regardless of seniority.
012	Roach	Responds DOC would like them in a common bargaining unit as to have same seniority status. Explains.
026	Rep. Fahey	Comments on confusion of DOC's position.
030	Roach	Explains strike-permitted employees.
050	Chair Harper	Asks if bill applies statewide, and asks if any other state agencies have this problem.
052	Roach	Believes there is a mixed bargaining unit for the Oregon State Police. Says this bill would give employer choice to petition for ERB to have bargaining unit split or not.
058	Rep. Gardner	Asks for clarification of bill regarding employee transfers.
063	Roach	Says that the bill creates a group of employees with similar seniority status via majority vote among group. Discusses current employee transfer program and contrasts to program created by bill.
079	Rep. Gardner	Asks if employee can have seniority at an institution and be moved involuntarily.
085	Roach	Responds yes, and that the statutes are currently that way.
094	Rep. Fahey	Asks about arbitration awards being behind and having to "catch-up."
097	Roach	Responds that is in some cases.
104	Rep. Fahey	Asks if DOC enters into this process in a neutral agreement.
111	Roach	Responds that DOC is not trying to bypass collective bargaining agreement.
119	Chair Harper	Clarifies that employees can currently be transferred involuntarily.
121	Roach	Answers yes, subject to provisions of contract and impact on employee.
122	Rep. Gardner	States that if there is an employee with a contract at the Snake River facility, they cannot be involuntarily transferred elsewhere.
126	McIntosh	Says that Snake River institution is an AFSCME represented unit, and there are seven institutions under that same agreement.
	Rep.	Asks if there is a single institution that would be affected that is under a

131	Gardner	single agreement.
134	McIntosh	Responds no. States that DOC is looking at centrally directed employees.
139	Rep. Fahey	Asks if there is a problem getting enough employees to fill these positions.
143	Roach	Responds that several qualified applicants are on file.
147	Rep. Fahey	Asks about DOC employees not taking vacation time because of understaffing.
148	Roach	Responds that in some cases relief positions are not sufficient enough to give vacation choices in one unit in particular.
153	Rep. Fahey	Asks which unit.
155	Roach	Responds Eastern Oregon Correctional Institute.
174	Gary Harkins	Representing the Association of Oregon Corrections Employees [EXHIBIT E]. Opposes SB 161A. Gives concerns and discusses 1995-97 bargaining contract.
224	Harkins	Reads from written testimony.
274	Harkins	Continues reading from written testimony. Suggests that if the bill moves forward, it be sent to Ways and Means committee.
324	Harkins	Says he has a list of over 100 different positions of people working out of class.
343	Mary Botkin	AFSCME. Opposes SB 161A and provides anecdotal evidence in opposition.
377	Chair Harper	Closes public hearing on SB 161A. Opens work session on SB 283A.
<b><u>SB 283A - WORK SESSION</u></b>		
387	Rep. Gardner	Explains and submits -2 amendments [EXHIBIT F]. Supports amendments.
<b><u>TAPE 79, B</u></b>		
010	Rep. Minnis	Asks for Representative Gardner's definition of "pattern."
010	Rep. Gardner	Responds more than one incident.
013	Rep. Minnis	Asks at what point participation in a drug or alcohol rehabilitation program can be invoked.
016	Rep. Gardner	Responds that it could happen at any point.
018	Rep. Minnis	Asks when employee is given notice of termination, can they offer to participate in a drug or alcohol rehabilitation program within a few days and still keep employment.

023	Rep. Gardner	Believes termination would still prevail.
027	Rep. Minnis	Gives concerns for employer having to take employee back and having employee demonstrate a pattern. Believes it should be the option of the employer whether or not to take the employee back.
030	Michelle Kennedy	Oregon Employment Department. Discusses amendments and gives her definition of "pattern."
035	Chair Harper	Asks if that defeats the purpose of the bill.
036	Kennedy	Responds yes.
046	Rep. Fahey	Comments that if employee is willing to get help, the family will end up on welfare.
051	Kennedy	Comments there is some responsibility on employee to seek help.
073	Rep. Minnis	Asks how it would be verified that person was participating in a drug and alcohol program.
074	Kennedy	Responds that it would be investigated and proof would be sought.
079	Rep. Minnis	Asks what is an alcohol and drug rehabilitation program.
081	Rep. Gardner	Responds that it would be a recognized alcohol or drug treatment facility.
<b>085</b>	<b>Rep. Minnis</b>	<b>MOTION: Moves to ADOPT SB 283A-2 amendments dated 5/1/97.</b>
105	Kennedy	Comments that more specific language is needed.
109	Rep. Minnis	States he is comforted that this provides an employer flexibility, yet preserves some assurance to employee.
119	Rep. Minnis	Offers specific language to amendments.
<b>124</b>	<b>Rep. Minnis</b>	<b>MOTION: Moves to ADOPT SB 283A-2 amendments dated 5/1/97 and that the 283A-2 amendments be FURTHER AMENDED on page 1, line 4, by deleting "an" after "in" and by inserting "a recognized" after "in".</b>
<b>135</b>		<b>VOTE: 4-3</b> <b>AYE: 4 - Beck, Fahey, Gardner, Minnis</b> <b>NAY: 3 - Markham, Sunseri, Harper</b>
<b>138</b>	<b>Chair Harper</b>	<b>The motion CARRIES.</b>
<b>140</b>	<b>Rep. Minnis</b>	<b>MOTION: Moves SB 283A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-2</b>

143		<b>AYE: 5 - Fahey, Gardner, Minnis, Sunseri, Harper</b> <b>NAY: 2 - Beck, Markham</b>
148	<b>Chair Harper</b>	<b>The motion CARRIES.</b> <b>REP. GARDNER will lead discussion on the floor.</b>
149	Chair Harper	Closes work session on SB 283A. Opens work session on SB 524.
<b><u>SB 524 - WORK SESSION</u></b>		
155	<b>Rep. Harper</b>	<b>MOTION: Moves SB 524 to the floor with a DO PASS recommendation.</b>
161		<b>VOTE: 7-0</b> <b>AYE: 7 - Beck, Fahey, Gardner, Markham, Minnis, Sunseri, Harper</b>
165	<b>Chair Harper</b>	<b>The motion CARRIES.</b> <b>REP. HARPER will lead discussion on the floor.</b>
168	Chair Harper	Closes work session on SB 524. Reopens public hearing on SB 161A.
<b><u>SB 161A - PUBLIC HEARING</u></b>		
176	Mary Botkin	AFSCME. Reiterates opposition to bill and provides reasons. Discusses perceived fiscal impacts of bill. Explains how correctional facilities are so understaffed.
226	Botkin	Continues explaining understaffing. Believes SB 161A is unnecessary. States that this bill circumvents current bargaining agreement.
276	Rep. Markham	Confirms that it is better to have a mixed bargaining rather than separate them.
279	Botkin	Explains current bargaining units are split.
310	John Anderson	Polk County Administrative Officer, representing Association of Oregon Counties [EXHIBIT G]. Supports the bill, but opposes parts of section 1.
360	Anderson	Believes it makes no sense to have one third of the matching positions who are represented by AFSCME ending up with slightly enhanced benefits that are not as fair others who are in a non-strikable unit.
380	Anderson	Discusses perceived impacts of partitioning the public employee collective bargaining unit. Supports bill concept.
<b><u>TAPE 80, B</u></b>		
	Chair	Asks if it is impossible to get someone out of strike units without their

008	Harper	consent.
010	Botkin	Responds must use the collective bargaining process.
028	Anderson	Gives county statistics from written testimony <b>[EXHIBIT G]</b> .
060	Chair Harper	Asks how many mixed bargaining units in other counties besides Polk.
065	Anderson	Responds that mixed bargaining units apply to about fifty percent of the counties.
076	Rich Peppers	Representing Oregon Public Employees' Union (OPEU). Opposes SB 161A. Comments that to find a solution to this problem does not require legislation.
114	David Blair	Director of Labor Relations, Oregon Health Science University (OHSU). Discusses current law and contrasts to bill proposal.
165	Chair Harper	Asks how many people are being discussed.
166	Blair	Responds about 25-50 AFSCME-involved, and none involved with Oregon Nurse's Association (ONA).
171	Chair Harper	Asks how many total.
172	Blair	Responds there are a total of about 3,200 in the AFSCME bargaining unit and approximately 1,250 in the ONA unit.
174	Mary Botkin	Discusses OHSU bargaining unit. Believes this issue should be dealt with through labor and management meetings, not legislation.
239	Blair	Discusses recent labor and management meetings held to discuss bill. Discusses bill history and history of OHSU moving from a state agency to a public corporation.
270	Chair Harper	Asks about comment of OHSU being different from SAIF or Port of Portland.
271	Blair	Responds that public corporation counterparts may not have the same problems as OHSU.
296	Rep. Markham	Confirms that at the \$70 million OHSU hospital there is no management personnel from AFSCME.
299	Blair	Responds that construction project coordinators are currently members of AFSCME.
304	Ken Fitzsimon	Administrator, Labor Relations, OHSU. Opposes SB 161A. Discusses section 16 of bill.
354	Fitzsimon	Confirms that OHSU is concerned that nurses might become involved in disputes. Discusses definition of managerial employee. Discusses SB 750 from 1995 session and history of SB 161.
399	Fitzsimon	Suggests committee have OHSU address their perceived problem and not let generalization jeopardize the 1,250 members.
426	Chair Harper	Closes public hearing on SB 161A. Adjourns meeting at 9:50 a.m.



Submitted By, Reviewed By,

Steve Wermuth, Cara Filsinger,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - SB 840A, written testimony, Mike Obymako, 3 pp.**

**B - SB 840A, written testimony, Steve Vincent, 1 p.**

**C - SB 840A, -4 amendments, Staff, 1 p.**

**D - SB 161A, written testimony, Karen Roach, 4 pp.**

**E - SB 161A, written testimony, Gary Harkins, 13 pp.**

**F - SB 283A, -2 amendments, Staff, 1 p.**

**G - SB 161A, written testimony, John K. Anderson, 9 pp.**

**H - SB 840A, written testimony, J. Boyd Morse, 1 p.**