

HOUSE COMMITTEE ON
LABOR

April, 21, 1995 Hearing Room
Tapes - 92

MEMBERS PRESENT:

Rep. John Watt, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Chuck Carpenter
Rep. Lynn Lundquist
Rep. Lynn Snodgrass

MEMBER EXCUSED:

Rep. Kate Brown
Rep. Mike Fahey

STAFF PRESENT:

Aaron Felton, Committee Counsel
Paula Gilmer Purcell, Committee Assistant

MEASURES HEARD:

Public Hearing on Senate Bill 750
Work Session on House Bill 2107

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , SIDE A

04 CHAIR WATT: Brings the meeting to order at 1:30 p.m.

Opens Work Session on House Bill 2107

10 AARON FELTON, COUNSEL FOR THE HOUSE LABOR COMMITTEE: Provides a summary
of House Bill 2107.

19 MOTION: REP. SNODGRASS: MOVES the dash two amendments to House Bill

210

22 VOTE: CHAIR WATT: Discussion? hearing none, so ordered.

24 MOTION: REP. SNODGRASS: MOVES House Bill 2107 as amended to the floor
with a DO PASS recommendation.

26 VOTE: 4-0 MOTION PASSES
AYE: Carpenter, Lundquist, Snodgrass, Watt
NO: None

Rep. Beyer, Rep. Brown and Rep. Fahey are excused.

Closes Work Session on House Bill 2107

Opens Public Hearing on Senate Bill 750

Witnesses: Senator Gene Derfler
Norma Paulus
John Anderson
Dennis Goecks
George Barry
Donald Scott
Will Achtison
Senator Randy Leonard
Jim Botwinus
Darryl Garrison
Jack Lynch
Chris Dudley
Ivan Hernandez
Richard Carlsson
Terry Brennan
Ken Allen
Mr. Deblomk
John Danielson

35 SENATOR GENE DERFLER, SPONSOR OF THE BILL: Testifies on why he has
sponsored this bill. Provides written testimony [EXHIBIT A].

75 Continues with written testimony.

88 CHAIR WATT: We are now down to a subcommittee.

99 NORMA PAULUS, SUPERINTENDENT OF PUBLIC INSTRUCTION: Testifies in support
of Senate Bill 750.

112 I have seen the cost and time that the bargaining process has caused. I would like to see state wide bargaining.

125 This bill puts balance back into the system.

133 I have also been concerned about the "bumping" process.

166 Teachers do not have enough say about what goes on in the classroom.

190 CHAIR WATT: Do you believe that local school districts are intimidated by the union?

195 PAULUS: Maybe not intimidation, but backed into a corner.

226 REP. CARPENTER: One of my concerns is that it this bill is unfair to teachers, how do you feel?

232 PAULUS: The average teacher is not privy to what has gone on for the last few years.

249 REP. CARPENTER: Why was bumping not included into the bill?

251 PAULUS: I do not know.

270 JOHN ANDERSON, COUNTY BOARD OF COMMISSIONERS: Testifies in favor of Senate Bill 750. Provides written testimony [EXHIBIT B].

330 Continues with written testimony.

366 We need to streamline the process of binding arbitration for non-strikable people.

383 The law puts management at a disadvantage.

429 Let me go over some of the contract negotiations that I have provided for you.

TAPE 90, SIDE A

40 Continues with written testimony

46 CHAIR WATT: Did you go to binding arbitration on any of these?

50 ANDERSON: Not since 1988.

60 We need to repeal the transfer law.

90 REP. CARPENTER: Do you feel this is unfair to teachers?

94 ANDERSON: I am looking at this from a county's aspect. I think it is fair to employees.

105 DENNIS GOECKS, YAMHILL COUNTY COMMISSIONER: Testifies in support of Senate Bill 750. Providing written testimony [EXHIBIT C].

155 Continues with written testimony.

187 GEORGE BARRY, HUMAN RECOURSE MANAGER FOR THE CITY OF ALBANY, OREGON: Testifies in favor of Senate Bill 750. Provides written testimony [EXHIBIT D].

222 Continues with written testimony.

252 CHAIR WATT: When something like that happens, what is the fiscal impact.

254 BARRY: I can't give you an exact amount.

262 CHAIR WATT: So, when you are busy bargaining you have to still pay overtime.

273 REP. BEYER: Do you favor final best offer?

279 BARRY: Yes I do.

287 REP. BEYER: It seems to me that binding arbitration is a good process.

299 BARRY: This is a serious issue.

300 REP. BEYER: I like final best offer.

302 BARRY: I do not.

345 REP. SNODGRASS: Do you agree with the ninety day provision?

352 ANDERSON: Yes.

360 BARRY: Yes.

364 DONALD SCOTT, OREGON POLICE CHIEFS ASSOCIATION: Testifies in favor of Senate Bill 750.

408 Oregon Occupational Safety and Health Division rules also apply to the standards of police officers.

454 Because of an Employment Relations Board decision, the city of Salem had to close one of the fire stations in Salem.

TAPE 89, SIDE B

35 Continues with testimony.

50 We endorse the fee for filing an unfair labor practice.

67 We do not want bargaining rights over the use of volunteers.

85 We support the language in the bill on binding arbitration.

109 We think that the language of looking at public employment in comparable communities is good.

142 The law has become broader than what the private sector labor unions use.

147 REP. CARPENTER: Then you say that this law takes it back to what the private sector has.

154 WILL ACHTISON, PORTLAND POLICE ASSOCIATION: Testifies against Senate Bill 750. Provides written testimony [EXHIBIT E].

190 We feel the change in the definitions of managerial and supervisory people does away with collective bargaining.

229 This bill has eliminated police officers from collective bargaining.

261 If a new officer is placed with an experienced officer for training and the experienced officer has to evaluate the new officer, they would then be excluded from the union.

294 CHAIR WATT: If both sides agree to what you are saying it would still be permitted.

306 ACHTISON: I disagree, it would hurt feelings between both sides. When we raise a permissive subject, we are told that it can not be talked about.

If it is not mandatory by law, then they never will allow discussion of the topic.

336 The bill would kill binding arbitration in Oregon.

356 There are three types of binding arbitration in Oregon.

364 This bill goes to final best offer binding arbitration.

394 We would follow the New Jersey type. This will encourage more binding arbitration.

433 A study done in Oregon said that binding arbitration is not a splitting of the baby.

452 Oregon collective bargaining laws are not restrictive.

TAPE 90, SIDE A

47 SENATOR RANDY LEONARD: Testifies against Senate Bill 750.

75 The Salem Fire Fighters ERB ruling was lost by the fire fighters, so it is not a good example to use.

90 The fire station in Salem was closed two years later and had nothing to do with staffing issues.

102 This removes such bargaining items as vacation pay, sick leave, and many other things.

115 Permissive items never get discussed at the table.

139 Senate Bill 750 takes away collective bargaining rights for all non-strikable personnel.

171 Local governments should make the decisions about police officers and fire fighters.

205 JIM BOTWINUS, PRESIDENT OF THE PORTLAND POLICE ASSOCIATION: Testifies against Senate Bill 750.

216 It is bad that safety equipment cannot be bargained.

225 I am concerned about the elimination of the fair disciplinary process.

242 The change in mid-point bargaining concerns me greatly.

256 DARRYL GARRISON: Testifies against Senate Bill 750.

277 On our last two contracts we settled in November because Polk County did not make the offer until that time.

298 We have ongoing safety issue problems with Polk County.

336 Reserve Officers do not have all of the correct training. Provides an
example of what has happened.

379 Public employees collective bargaining is very limiting.

386 REP. SNODGRASS: In you professions is the ninety days a reasonable
amount of time?

394 ACHTISON: I do not have a problem with it. Usually it the employers
that want to go longer than ninety days.

415 GARRISION: I agree.

422 JACK LYNCH, OREGON CITY FIRE CHIEF: Testifies in favor of Senate Bill
750.

455 I feel this bill will re-establish equity.

TAPE 91, SIDE A

35 Continues with testimony.

58 We are supportive of narrowing the scope of bargaining.

87 We are supportive of the last best offer.

111 We are supportive of the criteria on which bargaining items are based
upon.

128 REP. CARPENTER: What do you see as the role of the union?

133 LYNCH: They do have a role. It has been expanded too far and should be
confined to what the bill limits them to.

153 REP. CARPENTER: Would you support breaking out the different types of
employees in the collective bargaining bill?

161 LYNCH: I do not know.

167 CHRIS DUDLEY, OREGON STATE SCHOOL BOARDS ASSOCIATION: Testifies in
favor of Senate Bill 750. Provides written testimony [EXHIBIT F].

215 Continues with written testimony.

252 Mandatory subjects of bargaining can be pushed to a strike.

264 The communication bar needs to be eliminated.

279 Also, eliminate the fact finding step.

304 We are concerned about the ERB ruling on the status quo.

327 We want to end the filing of frivolous unfair labor practices.

374 REP. BEYER: Would school boards be interested in arbitration of final
best offer in schools?

381 DUDLEY: I have no stance on that.

395 REP. SNODGRASS: How do you feel about the ninety days?

398 DUDLEY: We believe it is fair.

400 IVAN HERNANDEZ, SUPERINTENDENT OF THE DALLAS SCHOOL DISTRICT: Testifies
in favor of Senate Bill 750. Provides written testimony [EXHIBIT G].

450 Continues with testimony

459 REP. CARPENTER: How long did the coffee bargaining take?

466 HERNANDEZ: Twenty-five to thirty hours personally.

TAPE 92, SIDE A

40 RICHARD CARLSON, TIGARD SCHOOL BOARD: Testifies in favor of Senate Bill
750. Provides written testimony [EXHIBIT H].

80 Continues with testimony.

91 Let me provide some experiences that I have been through.

135 Continues with examples of the problems in negotiations.

154 The communication bar needs to be removed.

194 We like the requirement of teaching experience.

201 REP. SNODGRASS: Many have said to me that not being able to bargain
working conditions is a problem, can you respond.

212 DUDLEY: We would do nothing to damage children.

233 SNODGRASS: What is the assurance then?

239 HERNANDEZ: In my position I have the opposite situation.

253 DUDLEY: I do not think it is unfair.

278 REP. CARPENTER: One the concerns I hear has been the inability of the school boards to stand up against the Oregon Education Association. Is Senate Bill 750 the answer to this, or is state wide bargaining?

292 CARLSON: I think Senate Bill 750 will enhance our ability to do that.

328 TERRY BRENNAN, NEGOTIATOR: Testifies in favor of Senate Bill 750. Provides written testimony [EXHIBIT I].

378 Continues with written testimony.

405 The system needs adjusting.

473 CHAIR WATT: We anticipated that many people would want to testify. Many have said that they can't say anything on the record.

TAPE 91, SIDE B

48 BRENNEN: This is very true.

85 Ninety days is more than ample.

94 KEN ALLEN, AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES: Testifies against Senate Bill 750. Provides written testimony [EXHIBIT J].

110 When we loose at the table, we do not ask for changes in the statute.

136 Fees for filing an unfair labor practice would greatly impact many of the smaller unions.

160 The time periods addressed are not adequate.

179 There has been no illegal strikes since PECBA took effect.

225 Permissive issues rarely will get talked about in negotiations.

265 CHAIR WATT: We realize the concern in bargaining on safety and health issues.

274 CHAIR WATT: Your testimony contradicted Senator Leonard's issue. He says that safety people would not strike, but you say they will. I hope we can all get down and talk about this.

285 MR. DEBLOMK: Testifies on Senate Bill 750.

301 Government agencies need to do what the private sector has done and work together with management and the unions.

326 JOHN DANIELSON OREGON EDUCATION ASSOCIATION: Testifies against Senate Bill 750. Provides written testimony [EXHIBIT K].

382 Continues with testimony.

436 Times have changed since 1973, and the act has been changed.

460 Where did this bill come from? I did not hear anything about problems with collective bargaining during the campaign season.

TAPE 92, SIDE B

48 Continues with testimony.

92 Permissive items concerns me very much.

110 CHAIR WATT: Transferring would be fair.

124 DANIELSON: Most people in the private sector do have an option.

161 Who is a non-probationary employee in a community college?

192 We feel it is important to bargain what a person can wear to work. Let me explain why we bargained that issue in The Dallas where it is very hot.

210 The scope would be too narrowed to effectively bargain.

215 Limiting the time of how long it takes bargaining to happen is wrong.

231 With this bill you have no idea which last best offer is the best.

281 Continues with testimony.

308 In most school district they are doing some hiring. Only thirty five percent are reducing their work force.

325 The recent experience factor does not talk about if the lower grades are comparable. And, if you are an administrator you do not have to meet that requirement.

361 Are teachers and public employees making too much?

377 CHAIR WATT: Thank you John very much.

Submitted by, Reviewed by,

Paula Gilmer Purcell Aaron Felton
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on Senate Bill 750, submitted by Senator Gene Derfler
- B - Testimony on Senate Bill 750, submitted by John Anderson
- C - Testimony on Senate Bill 750, submitted by Dennis Goecks
- D - Testimony on Senate Bill 750, submitted by George Barry
- E - Testimony on Senate Bill 750, submitted by Will Achtison
- F - Testimony on Senate Bill 750, submitted by Chris Dudley
- G - Testimony on Senate Bill 750, submitted by Ivan Hernandez
- H - Testimony on Senate Bill 750, submitted by Richard Carlson
- I - Testimony on Senate Bill 750, submitted by Terry Brennan
- J - Testimony on Senate Bill 750, submitted by Ken Allen
- K - Testimony on Senate Bill 750, submitted by John Danielson