

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

March 6, 1995 Hearing Room HRB
8:00 AM Tapes 65 - 69

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Brady Adams, Vice-Chair
Sen. Bob Kintigh
Sen. Neil Bryant
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel
Glenda Fields, Committee Assistant

MEASURES HEARD:

SB 750 - Public Hearing

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 65, A

005 CHAIR DERFLER: Calling meeting to order at 8:05.

006 CHAIR DERFLER: Opening PUBLIC HEARING on SB 750.

010 Bob Prinslow: Sheriff - Marion County, testifying in favor of SB 750.

043 BOB PRINSLOW: It is impossible to get rid of employees who are not performing. Managers are not being able to manage.

055 SEN. MCCOY: You say that managers are not able to manage anymore. Can you give us an example?

060 BOB PRINSLOW: What hours employees are scheduled to work. Beard in the workplace.

082 SEN. MCCOY: What is the business about personal grooming?

093 CHAIR DERFLER: This bill does cover things that can be bargaining for.

099 SEN. MCCOY: Who are the bad cops out there?

100 BOB PRINSLOW: We cannot get rid of officers that have been convicted of a felony.

112 SEN. LEONARD: Was it an unfair labor practice that went all the way to the Supreme Court?

120 BOB PRINSLOW: I believe it was. It was the issue of hours worked.

145 SEN. LEONARD: You have an officer who was arrested who you have to continue to employ?

175 BOB PRINSLOW: We had grievances filed before 1991, but the Unions have become much more aggressive in filing grievances and the grievances are not being settled.

210 SEN. LEONARD: Do you support the section that allows Police Officers to strike?

218 BOB PRINSLOW: I do not support strike but I believe it is better than collective bargaining.

225 SEN. BRYANT: Letter to Kevin Manix. (Exhibit A) Questioning "Just Cause".

260 BOB PRINSLOW: The issue of "Past Practice" has been a problem for us.

300 CHAIR DERFLER: What punishment did the "ticket fixers" get?

320 SEN. BRYANT: How does this affect morale in the department?

345 CHAIR DERFLER: You talked about grievances. How much of the department's time is spent on grievances?

375 SEN. LEONARD: How does SB 750 solve the problems of these grievances?

390 CHAIR DERFLER: This bill does not cover grievances. Maybe something should be added to this bill to cover this.

417 RITA THOMAS: On page 2, Section 7.

440 SEN. BRYANT: Grievance procedures would include what standards would be. This does not say that "Just Cause" could not be negotiated.

475 SEN. LEONARD: How many unfair labor practices have been filed?

TAPE 66, A

040 SEN. LEONARD: How many times has the department gone to binding arbitration?

060 BOB PRINSLOW: Very seldom before 1990, but every time the contract has come up since then.

088 SEN. LEONARD: So you think that the ability to strike is the best asset
of SB 750?

090 BOB PRINSLOW: I am not in favor of strike but it is better than binding
arbitration.

100 SEN. MCCOY: You stated that in the Unfair Labor Practices you have won
about 50% of the time. This sounds very balanced.

120 Harry J Mullins: Sheriff, testifying in support of SB 750. Does not
support strike or fair share sections of the bill. Approves the definition
of supervisor. This bill brings balance to the Collective Bargaining
process.

175 SEN. BRYANT: Is more and more of your time spent on contract issues?

180 HARRY MULLINS: Yes, about 20% of my time is spent on these issues.

200 HARRY MULLINS: Arbitration decisions affect every jurisdiction. A bad
decision lowers standards in every department.

235 SEN. BRYANT: What are your thoughts on the strike issue?

240 HARRY MULLINS: Police and fire will strike and I feel it is important
to have a state law prohibiting that.

250 SEN. LEONARD: Supervisory employee issue?

278 SEN. LEONARD: Do Deputies have input into policy?

320 SEN. LEONARD: Union ability to put certain employees in the bargaining
unit.

365 Al Allen: Under sheriff, Marion County, testifying in favor of SB 750.
Was in support of collective bargaining in the beginning, but now
everything is being bargained.

435 AL ALLEN: Collective bargaining is out of control. There is no
bargaining anymore. The parties go directly to binding arbitration and get
at least half of what they are asking for.

470 CHAIR DERFLER: Do you think this bill would encourage talking at the
table?

TAPE 65, B

038 CHAIR DERFLER: How do you feel about the strike issue?

050 SEN. LEONARD: Your hand out only deals with grievances. Were you here
earlier to hear that grievances are not handled in this bill?

070 AL ALLEN: Management should have the right to manage their budget how
they feel is best and this should not be bargained.

100 AL ALLEN: Everything has changed in the last 5 years because the representing Union has changed.

140 Nancy J. Hungerford: Attorney, representing school districts. testifying in favor of SB 750.

171 NANCY HUNGERFORD: Explaining SB 750 - section on fair dismissal.

200 NANCY HUNGERFORD: It takes 2 years of preparation to dismiss a permanent teacher.

235 NANCY HUNGERFORD: In one case it took 3 years and at least \$30,000 to dismiss a particular teacher.

286 SEN. BRYANT: What happens if you lose the case?

290 NANCY HUNGERFORD: The teacher is usually reinstated.

330 NANCY HUNGERFORD: There is a double remedy for teachers to go through before dismissal. This bill would eliminate one.

380 NANCY HUNGERFORD: Local school board's judgment can be overruled, even though the facts are substantiated.

400 SEN. LEONARD: Asks question about arbitrary terminations.

410 NANCY HUNGERFORD: This does not change the panel's ability to find facts pertaining to the specific case.

450 NANCY HUNGERFORD: A teacher failed to lock up chemistry supplies and thefts resulted. This became a safety issue.

TAPE 66, B

030 SEN. LEONARD: What is immorality?

050 NANCY HUNGERFORD: The fair dismissal panel has a definition for immorality.

110 SEN. BRYANT: Explaining the fair dismissal appeal process.

150 NANCY HUNGERFORD: Continuing explanation of the Fair Dismissal process.

175 SEN. LEONARD: Physical incapacity? Is this an opening for dismissal of a handicapped teacher?

225 NANCY HUNGERFORD: Explaining the difference between preponderance and substantial evidence.

250 SEN. BRYANT: Civil and criminal law have totally different standards.

285 SEN. LEONARD: Would like to hear both sides of the issues.

315 SEN. LEONARD: Wants to see due process and individual rights.

330 NANCY HUNGERFORD: Would like to see dual processes eliminated. One sector of the public has more rights than any other.

350 SEN. BRYANT: What about the rights of the parents and children?

390 SEN. BRYANT: Explaining the time and expense because our system protects inefficient and inadequate teachers.

430 CHAIR DERFLER: Calling next witness.

TAPE 67, A

020 Mike Keown: Superintendent, Oakridge School, testifying in favor of SB 750. Telling the collective bargaining experience his district recently went through.

065 CHAIR DERFLER: Why are your school board members quitting?

070 MIKE KEOWN: Some businesses were boycotted and the board member's livelihood was at stake.

105 SEN. LEONARD: How would this bill help your bargaining situation?

110 MIKE KEOWN: It would shorten the length of bargaining time. We spent 16 months settling the last contract.

140 MIKE KEOWN: Striking would still be an option but no more of an option than it presently is.

190 BRUCE KAISER: Lake Oswego Public Schools , testifying in support of several sections of SB 750. (EXHIBIT B)

230 BRUCE KAISER: All topics do not need to be at the bargaining table. There are other means of communication between staff and management.

280 CHAIR DERFLER: What is your feeling on open meetings?

300 BRUCE KAISER: If both sides agree to an open meeting, I agree with the idea.

315 BRUCE KAISER: Discussing the section that deals with volunteers- Section 10.

343 BRUCE KAISER: Discussing Section 15 on overtime.

380 SEN. LEONARD: Questioning scope of mandatory topics.

430 BRUCE KAISER: The number of mandatory topics are in direct relation to the time it takes to bargain.

TAPE 68, A

030 BRUCE KAISER: I am trying to focus on what is mandatory.

070 SEN. ADAMS: Do you think that teachers chewing gum in the classroom should be a mandatory issue?

096 Ed Rutledge: Professional Labor Relations Consultant, testifying in support of SB 750 (EXHIBIT C)

137 ED RUTTLEDGE: Explaining a situation that occurred in Polk Education Service District.

175 ED RUTTLEDGE: Continuing testimony.

220 CHAIR DERFLER: Breaking for Senate vote.

221 CHAIR DERFLER: Continuing PUBLIC HEARING on SB 750.

222 CHAIR DERFLER: You are saying that review of management decisions should be handled quicker.

225 ED RUTTLEDGE: Continuing testimony.

259 SEN. LEONARD: Do you think the solution is to take out the mandatory subjects of bargaining?

265 ED RUTTLEDGE: When you try to bargain fuzzy areas you start out in frustration and continue from there.

300 ED RUTTLEDGE: I am always open for better ways of addressing these problems.

325 ED RUTTLEDGE: Example from Southerland School District. 4 1/2 school day week for students so that teachers would have time for paperwork on Friday afternoons. Teachers and Administration agreed, but the bargaining council insisted that the issue must be bargained.

374 SEN. LEONARD: Will you establish a timeline on this example?

420 SEN. LEONARD: Why did you not tell the bargaining unit that they were untimely?

TAPE 67, B

035 ED RUTTLEDGE: Explaining reason for bargaining in Southerland.

070 SEN. LEONARD: The law is good and needs to be followed.

075 SEN. ADAMS: If this bill is passed will it eliminate the problems that occurred in Polk County and Southerland Schools?

100 ED RUTTLEDGE: Explaining mandates of collective bargaining.

115 CHAIR DERFLER: Would you recommend state wide bargaining?

120 ED RUTTLEDGE: I don't think the state could afford state wide bargaining.

150 CHAIR DERFLER: I think we are trying to get back to local control.

185 ED RUTTLEDGE: This bill is about productive and constructive labor management procedures.

205 John Danielson: Oregon Education Associations, testifying against SB 750. (EXHIBIT D)

260 John DanIElson: Explaining the history of collective bargaining.

300 JOHN DANIELSON: Discussing salaries of teachers in Oregon.

360 SEN. LEONARD: Is concerned that some members of the Committee are absent for this testimony.

385 JOHN DANIELSON: Would rather complete testimony now and will visit with the other Senators later.

420 JOHN DANIELSON: Discusses the Section of SB 750 that prohibits the wall to wall unit.

470 JOHN DANIELSON: Discusses the Section of SB 750 that deals with scope of bargaining.

TAPE 68, B

030 CHAIR DERFLER: Do you think there are other avenues to discuss these things other than collective bargaining?

075 JOHN DANIELSON: We can talk about issues but the other side does not have to listen.

108 CHAIR DERFLER: Breaking for Senate vote 11:45.

110 CHAIR DERFLER: Resuming meeting 12:15.

111 JOHN DANIELSON: Continuing testimony on scope of bargaining.

130 JOHN DANIELSON: Bargaining of fair share agreements.

175 JOHN DANIELSON: Discussing right of organization to be present during a grievance procedure.

200 JOHN DANIELSON: Right to communicate during bargaining.

210 SEN. ADAMS: Are you in support of the right to communicate?

215 JOHN DANIELSON: I was hedging a bit. We do not have a problem with this particular part of the bill.

240 JOHN DANIELSON: Questioning the \$500.00 fee for filing an unfair labor practice.

275 JOHN DANIELSON: Discussing whether or not employees have to renegotiate items which are ruled invalid by statute or constitutional change.

330 JOHN DANIELSON: Class room size. In effort to keep class size down in Elementary Schools, High School class sizes have increased because of measure 5.

370 JOHN DANIELSON: The time element in collective bargaining is a problem.

The manager side has a hard time scheduling and there is a shortage of mediators.

420 JOHN DANIELSON: The public would be harmed by limiting fact finding.
The public needs something to measure against.

450 JOHN DANIELSON: Explaining the fair dismissal law.

TAPE 69, A

040 JOHN DANIELSON: Continuing explanation of fair dismissal law.

080 JOHN DANIELSON: Very few teachers a dismissed using the fair dismissal law.

120 JOHN DANIELSON: This change in the bill really guts the fair dismissal law. Administrators are too lazy to evaluate their teachers.

150 JOHN DANIELSON: Lay-offs in school districts have been greater than in any other area.

190 JOHN DANIELSON: Discussing the overtime issue.

220 JOHN DANIELSON: Does the payroll deduction of Union dues have to be eliminated?

235 CHAIR DERFLER: Meeting is adjourned at 12:55 PM.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony in favor of SB 750 - Al Allen, Marion County Sheriff - 7 pages
- B - Testimony in favor of SB 750 - Bruce Kaiser, Lake Oswego Schools - 7 pages
- C - Testimony in favor of SB 750 - Ed Ruttledge, Labor Relations Consultant - 5 pages
- D - Testimony against SB 750 - John Danielson, Oregon Education Association - 63 pages

SENATE COMMITTEE ON
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Hearing Room
Tapes 70 - 73

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Neil Bryant
Sen. Bob Kintigh
Sen. Bill McCoy
Sen. Randy Leonard

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Sen. Brady Adams, Vice-Chair

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Amy Baker, Committee Assistant

MEASURES HEARD:

SB 750 - Public Hearing

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TAPE 70, A

003 CHAIR DERFLER: Opens PUBLIC HEARING on SB 750.

005 TOM WALT: Representing Beaverton School Board.[EXHIBIT A]

050 TOM WALT: Continues testimony following [EXHIBIT A].

085 SEN. LEONARD: What decisions were made by the management board due to legal restraints that then limited their ability to manage?

089 TOM WALT: Gives examples; smoking policy on the school campus for students and teachers.

122 SEN. LEONARD: How has employment relations specifically hampered your school?

139 TOM WALT: Talking about the temperature in the classroom should not be discussed in collective bargaining.

152 TOM WALT: I don't believe that this bill guts the collective bargaining laws.

183 SEN. BRYANT: Does the Beaverton school district hire someone to assist and advise them with bargaining?

186 TOM WALT: Yes, we must have someone to advise us legally, we are just citizen member.

215 SEN. LEONARD: Do you feel comfortable with the current collective bargaining agreement in Beaverton?

220 TOM WALT: Yes, given the conditions under which we had to bargain, we are satisfied.

280 TOM WALT: Continues testimony on the subjects that come before the board which should really be handled by the principal or superintendent.

290 CHAIR DERFLER: How many items were you bargaining?

295 TOM WALT: Hundreds of items, which we lumped down into three committees.

325 SEN. MCCOY: Is it correct to say that the board feels that they are just spending too much time bargaining?

330 TOM WALT: Yes, that is one of the key points about which I am testifying

360 SEN. MCCOY: Discusses the importance of openness and time in a democratic system.

404 TOM WALT: Speaks about open meeting law and the board's desire to have an open meeting.

TAPE 71, A

015 DAVE FIORE: Begins testimony against on SB 750. [EXHIBIT B]

070 DAVE FIORE: Continues testimony against SB 750. [EXHIBIT B]

116 SEN. BRYANT: Discusses communication bar.

150 KEN STEIGER: Testifying against SB 750.[EXHIBIT C]

176 SEN. BRYANT: You understand that this bill does not directly effect wages?

178 KEN STEIGER: Yes, but it is my understanding that this bill will effect the bargaining arena.

225 TERRY BRENNAN: Begins testimony in favor of SB 750.[EXHIBIT D]

269 TERRY BRENNAN: Continues testimony on SB 750, following [EXHIBIT D].

309 TERRY BRENNAN: Gives specific testimony on how the union disrupts the bargaining process and the educational system.

360 SEN. LEONARD: Are you saying that teachers are overpaid and that is why classrooms go unused?

420 TERRY BRENNAN: No, I am saying that the administration is hired by the school board which is elected by the public. The policy should be made by administration not the school board because the administration is better educated to make those decisions and that is why they are hired.

TAPE 70, B

050 CHAIR DERFLER: What did you find difficult about bargaining in the Beaverton School District?

055 TERRY BRENNAN: The difficulties surrounded the shortfall of monies. Recognizing the reality that measure 5 passed.

112 TERRY BRENNAN: Continues testimony around the difficulties of bargaining.

160 TERRY BRENNAN: Testifies on his disappointment and soaring towards the collective bargaining process in the school district.

170 SEN. LEONARD: This bill will limit the time of bargaining to 4 months, this will create more strike situations in the state.

225 TERRY BRENNAN: I don't think this will create or avoid a strike situation.

245 KEN ALLEN: Begins testimony on SB 750.[EXHIBIT E]

316 KEN ALLEN: Continues testimony on SB 750 following [EXHIBIT E].

370 KEN ALLEN: Discusses the success of the current collective bargaining law.

TAPE 71, B

018 GARY SMITH: Begins testimony on SB 750.[EXHIBIT F]

065 GARY SMITH: Continues testimony in favor of SB 750.[EXHIBIT F]

105 GARY SMITH: Discusses volunteers being considered contracted out.

130 SEN. LEONARD: Discusses the process of negotiation.

151 GARY SMITH: The issue for me is credibility, we will not have adequate tax reform to fund public programs without credibility from the public sector workers.

218 SEN. BRYANT: Do you have a idea to remedy the collective bargaining situation?

225 GARY SMITH: I think this bill goes to improve the collective bargaining process, secondly, I don't believe that the teaching profession is well served by unions.

265 JUDY MCKINNEY: Testifying on mandatory subjects of bargaining, against

SB 750. [EXHIBIT G]

320 JUDY MCKINNEY: Continues testimony against SB 750.[EXHIBIT G]

343 JAN KALLEY: Testifying against SB 750.

400 SEN. BRYANT: Won't you agree that many issues could be resolved through site based councils as opposed to being negotiated at the bargaining table?

410 JAN KALLEY: Yes, some can.

TAPE 72, A

025 LOUIS DE LATEUR: Testifying against SB 750. [EXHIBIT H]

060 FRANK ELLIS: Testifying against SB 750. [EXHIBIT M]

100 MICHAEL SNYDER: Testifying on SB 750.[EXHIBIT I]

185 MICHAEL SNYDER: Continues testimony on SB 750. [EXHIBIT I]

230 MICHAEL SNYDER: Continues testimony on SB 750, insurance benefits and packages [EXHIBIT I]

290 MICHAEL SNYDER: Continues testimony on SB 750, reading into record his proposed additions to SB 750. [EXHIBIT I]

360 SEN. LEONARD: Do you understand that this bill will allow fire and police to strike?

365 MICHAEL SNYDER: Discusses the results he predicts from the implementation of this legislation.

TAPE 73, A

005 MICHAEL SNYDER: I don't think a collective bargaining act needs to dictate these areas. They should be handled in another arena.

035 SEN. LEONARD: Can you give a specific example were mandatory subjects have caused you problems you have agreed to?

040 MICHAEL SNYDER: Gives example involving employee vacation and subsequent overtime for other employees.

080 SEN. LEONARD: Discusses the existing statute and the balance established using the current statute.

110 SEN. BRYANT: Characterizes Michael Snyder's testimony; current interest arbitration gives an unfair advantage to the union side.

160 MICHAEL SNYDER: Discusses policy issues that should be handled by management not in collective bargaining.

170 SEN. LEONARD: Discusses the significance of this bill as more than a means to clean-up the law.

260 LINDA ZIEGENHAGEN: Testifying against SB 750. [EXHIBIT J]

331 ED MCKINNEY: Testifying against SB 750. [exhibit k]
365 BRUCE ADAMS: OEA, in opposition to SB 750. [EXHIBIT L]
TAPE 72, B
005 BRUCE ADAMS: Continues testimony. [EXHIBIT L]
050 BRUCE ADAMS: Continues testimony against SB 750.[EXHIBIT L]
100 BRUCE ADAMS: Continues testimony against SB 750.[EXHIBIT L]
110 CHAIR DERFLER: Closes PUBLIC HEARING on SB 750.
Adjourns meeting.

Submitted by, Reviewed by,

Amy Baker Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 750 - Tom Walt - 2 pages
B - Testimony on SB 750 - Dave Fiore - 2 pages
C - Testimony on SB 750 - Ken Steiger - 1 page
D - Testimony on SB 750 - Terry Brennan - 3 pages
E - Testimony on SB 750 - Ken Allen - 8 pages
F - Testimony on SB 750 - Gary Smith 2 pages
G - Testimony on SB 750 - Judy McKinney - 3 pages
H - Testimony on SB 750 - Louis De Lateur - 2 pages
I - Testimony on SB 750 - Michael Snyder - 3 pages
J - Testimony on SB 750 - Linda Ziegenhagen - 2 pages
K - Testimony on SB 750 - Ed McKinney - 2 pages
L - Testimony on SB 750 - Bruce Adams - 7 pages
M - Testimony on SB 750 - Frank Ellis - 2 pages
N - Testimony on SB 750 - Patrick Brown - 2 pages