

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

Hearing Room  
Tapes - 78

MEMBERS PRESENT:

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

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel  
Amy Baker, 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 , A

003 CHAIR DERFLER: Opens PUBLIC HEARING on SB 750.

015 DIANE COWAN: Begins testimony in favor of section 15 of SB 750.[EXHIBIT A]

032 RUTHANN MOGAN: Begins testimony in favor of section 15 of SB 750.[EXHIBIT B]

060 ROD BENNION: Testifies on the benefits of section 15 of SB 750 as it relates to overtime hours.

090 DOUG HOFFMAN: Testifying against SB 750. [EXHIBIT C]

145 DOUG HOFFMAN: Continues Testimony against SB 750. [EXHIBIT C]

175 CHAIR DERFLER: Wages are still part of bargaining in this bill.

180 DOUG HOFFMAN: Good management helps the collective bargaining system work.

210 DOUG HOFFMAN: Continues testimony, giving examples of grievances filed and the results.

245 SEN. BRYANT: What changes in SB 750 would you support?

257 DOUG HOFFMAN: I believe that most of the proposed changes go beyond the needed remedy for resolution to the problems presented in testimony.

285 WILL AITCHISON: Attorney for the Portland Police Association. Testifying against all aspects of SB 750, except two. [EXHIBIT C]

340 WILL AITCHISON: Continues testimony on SB 750. [EXHIBIT C]

400 WILL AITCHISON: Testifies on last best offers and states the current use of this mean of collective bargaining.

TAPE 75, A

025 WILL AITCHISON: Discusses the arbitrator decision in Portland, related to binding arbitration of collective bargaining.

075 WILL AITCHISON: Testimony related to police strikes in US.

090 Jim Botwinis: President of the Oregon State Police Officers' Association. Testifying against SB 750. [EXHIBIT C]

160 SEN. BRYANT: Discusses the case of two troopers in Grants Pass, asking why there was a disparity in treatment as referenced by Mr. Botwinis in his testimony.

200 SEN. BRYANT: Suggests that there could be an amendment to the bill that would include "just cause".

260 WILL AITCHISON: Addresses the Portland Police Association's perspective on binding arbitration.

275 WILL AITCHISON: Details the changes in the bill which he does agree with, limited time in arbitration and section 17.

300 JEFF BARKER: President of the Portland Police Association. Testifying against SB 750.

350 JEFF BARKER: Continues testimony against SB 750.

360 SEN. MCCOY: Asks about the last best offer arbitration/packages?

370 WILL AITCHISON: Describes the New Jersey implication of packages.

410 CHRIS DUDLEY: Begins testimony on SB 750. [EXHIBIT D]

TAPE 74, B

043 CHRIS DUDLEY: Continues testimony following [EXHIBIT D].

103 CHRIS DUDLEY: Discusses mandatory issues of bargaining.

150 CHAIR DERFLER: In the bill, the period after 15 days has elapsed and the mediator has declared an impasse the parties can continue to mediate as long as they both agree to mediate. Doesn't that take the place of fact finding?

153 CHRIS DUDLEY: It could.

180 CHRIS DUDLEY: Discusses status quo.

220 CHRIS DUDLEY: Discusses awarding fees.

250 RON WILSON: We have seen an increase in mid-term bargaining.

295 CHRIS DUDLEY: Concludes, favoring the changes made by SB 750, which are needed in light of the last 20 years of collective bargaining.

305 RON WILSON: Discusses scope of bargaining.

350 RON WILSON: Continues discussion on mandatory subjects of bargaining.

400 RON WILSON: Discusses cases where the school's have the right to deny bargaining.

TAPE 75, B

015 RON WILSON: Discusses length on time for bargaining.

057 SEN. LEONARD: Asks about the results in the Tigard school district, related to class size.

065 RON WILSON: The problem, in this case, is knowing what we are required to bargain about and what we do not have to bargain.

090 SEN. LEONARD: Questions the process as being held up for all parties, labor and management.

130 SEN. LEONARD: Discusses step increases versus a raise.

155 RON WILSON: Describes example of problems created by mandatory subjects of bargaining which effected management's ability to manage.

215 CHRIS DUDLEY: Speaks to the problem related to mandatory subjects of bargaining which cannot end in an impasse.

250 SEN. BRYANT: Permissive vs. mandatory subjects of bargaining and their effect on striking and fact-finding.

255 RON WILSON: Responds

271 BRUCE ZAGAR: Begins testimony in favor of SB 750. [EXHIBIT E]

342 BRUCE ZAGAR: Continues testimony following [EXHIBIT E].

375 BRUCE ZAGAR: Speaks to the mid-term demand to bargain.[EXHIBIT E]

420 SEN. MCCOY: Are you saying that the rights of the school board should supersede those of the rest of the state because they are elected officials?

TAPE 76, A

016 BRUCE ZAGAR: No, I am suggesting that when the school board wants to make decisions that the necessity to bargain with someone over these decisions gives these groups the control and not the elected board.

055 BRUCE ZAGAR: Concludes testimony in favor of SB 750.

060 SEN. LEONARD: Can you give me any subject in the public sector that are not part of the private sector?

063 BRUCE ZAGAR: No. Discusses the difference between private and public sector, one provides a service the other sells a product.

100 SEN. BRYANT: Discusses the difference between private and public sector.

150 SEN. LEONARD: Asks about the dues check-off?

155 BRUCE ZAGAR: Has no position.

185 DIANE ROSENBAUM: Representing the Oregon State Industrial Union Council, testifying in opposition to SB 750. [EXHIBIT F]

220 MARGARET BUTLER: Member of Communications Worker Union. [EXHIBIT G]

275 MARGARET BUTLER: Talks about the "fair share" agreements. [EXHIBIT G]

290 SEN. LEONARD: How long does bargaining usually last?

295 MARGARET BUTLER: Generally 60 days.

311 TERRY RAHMSDORF: Representing the Oregon School Board Association. Testifying in support of SB 750.

375 TERRY RAHMSDORF: Continues testimony related to communication bar.

TAPE 77, A

020 TERRY RAHMSDORF: Testifies on the problems related to a specific case in his district.

035 TERRY RAHMSDORF: Discusses section 7 (2) (c).

075 TERRY RAHMSDORF: Defends the LaPine School Board.

090 CHAIR DERFLER: Questions whether there should be open or closed meetings.

095 TERRY RAHMSDORF: No recommendation, leaning towards open meetings.

141 SEN. LEONARD: Discusses the rights of the public employee to

demonstrate.

160 SEN. ADAMS: Asks that the tape be played back for clarification of statement made by Sen. Leonard.

170 SEN. LEONARD: Continues discussion on the feelings in the legislature regarding public employees.

173 SEN. ADAMS: States that the member of the legislature must be very careful to not impugn the motive of other members.

190 SEN. LEONARD: How is SB 750 going to reduce the amount of phone calls the school board members will get?

193 TERRY RAHMSDORF: I believe that this law will actually reduce the number of calls.

212 TERRY RAHMSDORF: Discusses grievances that come before the board.

250 SEN. LEONARD: Speaks to the scope of collective bargaining.

290 SEN. LEONARD: Asks about the school districts slip from 1st to 38th on the teacher pay scale.

330 TERRY RAHMSDORF: Speaks to the need to lift the communication bar.

370 DICK WOLD: Testifying on communication bar.[EXHIBIT H]

TAPE 76, B

016 DICK WOLD: Continues testimony on communication bar. [EXHIBIT H]

055 DICK WOLD: Continues testimony on communication bar, citing his experience. [EXHIBIT H]

109 SEN. LEONARD: How do you feel about "dues check off" and "fair share"?

110 DICK WOLD: Gives an example of a teacher in his district that does not feel fair share is right.

160 DICK WOLD: Discusses changes that will continue happen for schools and collective bargaining.

230 PAT WEST: Testifying against SB 750.

300 PAT WEST: Continues testimony against SB 750 related to disciplinary matters.

350 PAT WEST: Discusses arbitration in the past.

400 PAT WEST: Discusses negotiated bargaining and arbitration.

TAPE 77, B

030 PAT WEST: Discusses how the process works for the firefighter service.

065 PAT WEST: Arbitrated settlements monetarily have statistically lagged 1% behind negotiated settlements.

075 Gary Hartman: Testifying against SB 750, related to interest

arbitration.

120 Gary Hartman: Continues discussion on interest arbitration as it relates to firefighters.

150 Gary Hartman: Read words from Les Smith, who testified at an earlier hearing on SB 750.

200 Gary Hartman: Concludes testimony on the problems which will be created by the implementation of SB 750 for public safety personnel.

225 IVAN HERNANDEZ: Superintendent of The Dalles School District No. 12. Testifying in favor of SB 750. [EXHIBIT J]

300 SEN. LEONARD: Questions specific examples which are under bargaining.

350 IVAN HERNANDEZ: Discusses negotiations and bargaining as a package.

400 IVAN HERNANDEZ: Discusses the impact of strikes on communities.

TAPE 78, A

010 CHAIR DERFLER: Do you think that had you said no to "fair share" and "check-offs" that would have caused a strike?

012 IVAN HERNANDEZ: I think that those two items were easy to concede to with little cost to the school district.

045 IVAN HERNANDEZ: Discusses mandatory subjects of bargaining and the problems they create for school districts.

070 CHAIR DERFLER: Do you feel that from your experience that there is a difference between bargaining in the private sector vs. the public sector?

075 IVAN HERNANDEZ: They are two different experiences, for a number of reasons, such as the communications bar.

125 SEN. LEONARD: Discusses the tools used by management at the bargaining table.

128 IVAN HERNANDEZ: Agrees with Sen. Leonard, these actions do occur in bargaining.

142 CHAIR DERFLER: Adjourns meeting.

Submitted by, Reviewed by,

Amy Baker Rita Thomas  
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 750 - Diane Cowan - 1 page  
B - Testimony on SB 750 - Ruthann Mogen - 1 page

C - Testimony on SB 750 - Police Association - 96 pages  
D - Testimony on SB 750 - Chris Dudley - 6 pages  
E - Testimony on SB 750 - Bruce Zagar - 7 pages  
F - Testimony on SB 750 - Diane Rosenbaum - 1 page  
G - Testimony on SB 750 - Margaret Butler - 1 page  
H - Testimony on SB 750 - Richard Wold - 9 pages  
I - Testimony on SB 750 - Pat West - 6 pages  
J - Testimony on SB 750 - Ivan Hernandez - 17 pages

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

March 8, 1995 Hearing Room A  
7:00 PM Tapes 79 - 82

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

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TAPE 79, A

005 CHAIR DERFLER: Calling meeting to order at 7:05 PM.

006 CHAIR DERFLER: Opening PUBLIC HEARING on SB 750.

010 JOHN WITTY: Testifying in favor of SB 750 (EXHIBIT E).

050 JOHN WITTY: I face proposals in the hundreds.

090 JOHN WITTY: Often small school districts do not have the knowledge to bargain.

106 SEN. LEONARD: Can you give me an example where an arbitrator ruled on an issue the hindered the ability of management to manage.

160 JOHN WITTY: The example that I can give you is the one that Bill is going to talk about.

170 SEN. LEONARD: Do you support SB 750's provision that would allow fire



and police to strike.

175 Kenneth Fitzsimon: Introducing Ann Logan, Registered Nurse.

180 ANN LOGAN: Testifying against SB 750 (EXHIBIT F).

225 ANN LOGAN: In our existing bargaining agreement, we have previously negotiated provisions, as mandatory subjects of bargaining.

250 KENNETH FITZSIMON: ONA, Testifying against SB 750 (EXHIBIT G).

300 KENNETH FITZSIMON: Retirement is still an issue, particularly for publicly employed nurses who are not covered by PERS.

350 KENNETH FITZSIMON: At page 5, lines 23 through 26, there is presented an amazing one-two combination punch to the rights of publicly employed workers in this state.

390 KENNETH FITZSIMON: At section 11, the direct attach on public employee unions is unveiled.

440 KENNETH FITZSIMON: By establishing greater equality of bargaining power between public employers and public employees.

TAPE 80, A

031 SEN. BRYANT: I wanted to explain the fee for filing an unfair labor practice.

065 KAREN RICHEY: Personnel - Bend and LaPine School, testifying in favor of SB 750.

100 KAREN RICHEY: It took two years to negotiate the last contract. Management was unable to communicate teachers on many issues.

145 KAREN RICHEY: Mid term bargaining. Demand to bargain a form in the personnel office.

194 SEN. BRYANT: In reference to the form you mentioned, was this form in place when your last contract was negotiated?

225 KAREN RICHEY: Describing the shift in balance between union and management that she has seen in the last few years.

270 CHAIR DERFLER: Do you think we should go the State wide bargaining?

316 SEN. LEONARD: Wants an explanation of plan of assistance grievance.

350 SEN. LEONARD: What were the issues raised at the table that you think would be eliminated by this bill?

400 SEN. LEONARD: Questions about the form that had a demand to bargain.

440 KAREN RICHEY: Did you bargain health benefits?

TAPE 79, B

045 KAREN RICHEY: I think the benefit amount is a bargaining issue but not

the coverage.

070 JAN LACHPALLE: Board member, LaPine school, testifying in favor of SB  
750.

100 CHAIR DERFLER: Do you feel like you have been intimidated?

110 jan lachpalle: Yes, intimidation is a good word for it.

140 JAN LACHPALLE: The community took the issues to the media during the  
contract negotiations because they were so tired of the process.

156 SEN. MCCOY: How do you think SB 750 will help you?

165 SEN. LEONARD: How will SB 750 do away with intimidation?

200 SEN. LEONARD: Do you feel it would be a good trade off to have strikes  
with SB 750's passage.

250 PAUL KRISSEL: Oregon School Employees Association, testifying against  
SB 750. (EXHIBIT H)

300 PAUL KRISSEL: The claim that the union is somehow different than the  
members is wrong.

330 PAUL KRISSEL: You have heard many employers talk about how they know  
best for their employees.

370 PAUL KRISSEL: How many employees are going to strike over chewing gum  
issues?

400 RON ROGERS: President, Oregon school Employees Association, testifying  
against SB 750 (EXHIBIT I).

440 RON ROGERS: Legislature is going to have to deal with public service.

TAPE 80, B

045 BARBARA MORRIS: Secretary, testifying against SB 750. Reading  
(EXHIBIT J).

075 ED SCHUMACHER: Superintendent, Elgin School Dist. testifying in favor  
of SB 750. communication bar and scope of bargaining.

125 ED SCHUMACHER: Our district has had to increase our budget for  
bargaining every year.

157 SEN. LEONARD: Could you explain complaint procedure?

200 SEN. LEONARD: Are you testifying that you cannot follow up on a parent  
complaint?

250 SEN. LEONARD: It is difficult for me to believe that this situation  
cannot be negotiated.

265 ED SCHUMACHER: This happened because the district did not hire a  
specialist to see that there was not an overlap.

300 FRED WILLIS: Teacher - Springfield, testifying against SB 750 (EXHIBIT

K).

350 FRED WILLIS: Has trouble with the qualified teacher described as 3  
years of teaching experience.

400 CHAIR DERFLER: Did I understand you that you do not use OEA for  
negotiations?

430 SEN. BRYANT: You feel like this bill is for personal gain? Whose?

470 SEN. LEONARD: Sen. Bryant did you say salary and benefits were going to  
be negotiated?

TAPE 81, A

040 LORYN MOORE: City of West Linn, testifying in favor of SB 750 (EXHIBIT  
L).

080 LORYN MOORE: Criteria that arbitrators can consider in their findings.

120 SEN. LEONARD: You don't want to have to pay comp time after retirement?

150 SEN. LEONARD: How many arbitrations have you had in West Linn?

160 SEN. BRYANT: Do you think the public employer should have the option of  
strike?

170 LINDA PRESTON: Teacher - Eugene, testifying against SB 750 (EXHIBIT M).

200 LINDA PRESTON: Continuing testimony.

245 SEN. BRYANT: I am familiar with the 2 strikes in Eugene.

250 WILLIAM PETERSON, JR.: City Manager, Grants Pass, testifying in favor  
of SB 750 (EXHIBIT N).

300 WILLIAM PETERSON, JR.: For the last 2 years we have been engaged in a  
public debate.

340 WILLIAM PETERSON, JR.: We have to refer to previous binding  
arbitrations of other agencies to know what we are going to have to settle  
for.

360 SEN. BRYANT: Does the Interest Arbitrator decide the costs?

375 SEN. LEONARD: You didn't engage in the debate meaning that you didn't  
bargain at all?

414 WILLIAM PETERSON, JR.: Grants Pass has not been in arbitration.

460 SEN. LEONARD: Is wages the biggest issue in bargaining?

TAPE 82, A

040 SEN. LEONARD: Do you have scope issues?

055 JAMES SAGER: President - Portland Assoc. of Teachers, testifying against SB 750 (EXHIBIT O).

100 JAMES SAGER: A teacher knew of at least 10 students who were at school carrying weapons.

140 JAMES SAGER: The reality in Portland is that our labor/management relations have been and continue to be very good.

173 CHAIR DERFLER: What is the average number of school days?

175 JACK LYNCH: Oregon City, testifying in favor of SB 750.

185 NOEL KLEIN: Testifying in support of SB 750 (EXHIBIT P).

240 SEN. LEONARD: How many times have you been to binding arbitration?

280 JACK LYNCH: There are strict limits on how we can use our employees on weekends and after hours.

330 JACK LYNCH: I know the question will be - what was the arbitrators award. Essentially the arbitrator went with our recommendation.

344 SEN. BRYANT: How do you think the new law would impact your bargaining?  
Do you think it would shorten the length of time of bargaining?

360 SEN. LEONARD: What harm did the final product of arbitration have on you?

395 SEN. LEONARD: Do you support the provision of strike in SB 750?

427 JACK LYNCH: The cities will have the option of strike.

465 SEN. LEONARD: SB 750 redefines the definition of manager.

050 KARLA SPENCE: President, OPEU, testifying against SB 750 (EXHIBIT Q).

110 KARLA SPENCE: Workers are losing ground in benefits and wages.

140 ALICE DALE: I would like to begin testimony at the next session.

144 CHAIR DERFLER: Closing PUBLIC HEARING on SB 750.

144 CHAIR DERFLER: Adjourning meeting at 10:00 PM.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas  
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

E - Testimony on SB 750 - John Witty, Attorney - 9 pages  
F - Testimony on SB 750 - Ann Logan, RN - 3 pages

G - Testimony on SB 750 -Kenneth Fitzsimon, ONA - 7 pages  
H - Testimony on SB 750 - Paul Krissel, OSEA - 6 pages  
I - Testimony on SB 750 - Ron Rogers, OSEA - 3 pages  
J - Testimony on SB 750 - Barbara Morris - 1 page  
K - Testimony on SB 750 - Fred Willis, Teacher - 3 pages  
L - Testimony on SB 750 - Loryn Moore, City of West Linn - 3 pages  
M - Testimony on SB 750 - Linda Preston, Teacher - 1 page  
N - Testimony on SB 750 - William Peterson, Jr, Manager, City of Grants  
Pass - 2 pages  
O - Testimony on SB 750 - James Sager, President, Portland Assoc. of  
teachers, OEA - 3 pages  
P - Testimony on SB 750 - Jack Lynch, SDAO - 2 pages  
Q - Testimony on SB 750 - Karla Spence, OPEU - 3 pages