

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

MARCH 10, 1995 Hearing Room B
8:00 AM Tapes 83 - 86

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Sen. Bill McCoy

STAFF PRESENT:

Rita Thomas, Committee Counsel
Glenda Fields, Committee Assistant

MEASURES HEARD:

SB 264 - WORK SESSION
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 83, A

002 CHAIR DERFLER: Calling meeting to order 8:05 AM.

003 CHAIR DERFLER: Opening WORK SESSION on SB 264.

MOTION: Sen. Leonard recommends do pass to the Senate floor on SB 264.

VOTE: 4-1

AYE: Adams, Bryant, Leonard, Derfler

NO: Kintigh

015 CHAIR DERFLER: SB 264 DO PASS. Senator Leonard will carry the bill.

016 CHAIR DERFLER: Closing WORK SESSION on SB 264.

Opening PUBLIC HEARING on SB 750.

017 SEN. LEONARD: I will limit my questions to new information.

040 RITA THOMAS: Reading written testimony into the record (EXHIBITS A - I).

060 ED EDWARDS: Introducing speakers.

067 DENISE SPORALSKY: Classified employee, Bend/LaPine Schools, testifying against SB 750.

097 CHAIR DERFLER: We have been hearing that some of the negotiations have been taking 24 plus months.

119 SEN. KINTIGH: What is the longest period it has taken you to come to an agreement?

126 ED EDWARDS: Introducing speaker.

140 PAT MUNYON: President OSEA, Eugene, testifying against SB 750.

170 PAT MUNYON: Discussing the elimination of Fair Share.

185 SEN. BRYANT: Congratulations on the success of your collaborative bargaining.

195 CHAIR DERFLER: We are not limiting what can be talked about.

205 MIKE TEDESCO: General Counsel, OSEA, testifying against SB 750.

260 MIKE TEDESCO: Discussing collaborative bargaining.

290 MIKE TEDESCO: You don't need to wait any time limit to declare impasse.

335 MIKE TEDESCO: Discussing job security.

380 MIKE TEDESCO: Discussing Fair Share.

435 MIKE TEDESCO: There will not be any mid term bargaining with the limiting of mandatory subjects

475 MIKE TEDESCO: Discussing contracting out.

490 SEN. BRYANT: I have worked over the bargaining table with Mike many times.

TAPE 84, A

050 SEN. BRYANT: Expressing concern over "Just Cause".

070 MIKE TEDESCO: Explaining "Just Cause". There are always going to be bad decisions. There are an equal number of wrong decisions for both sides.

095 SEN. KINTIGH: Questioning if volunteers would be considered contracting out.

120 MIKE TEDESCO: Describing volunteer police situation that happened in Salem.

149 SEN. KINTIGH: When there isn't enough money, volunteers seem to be the answer.

160 SEN. ADAMS: What is the argument for volunteers?

170 MIKE TEDESCO: Explaining when it is acceptable to volunteer.

200 CHAIR DERFLER: We have heard testimony where programs were cut because of funding. Would it be proper to volunteer in this situation?

210 MIKE TEDESCO: Responding to question.

235 SEN. BRYANT: Did you have the Estacada School Dist. case where parents volunteered to take tickets at sporting events?

240 MIKE TEDESCO: Describing situation in Estacada where ULP was filed.

290 MIKE TEDESCO: Continuing testimony.

307 SEN. ADAMS: Give me a situation where it would be acceptable to volunteer.

310 MIKE TEDESCO: Giving example of a fire station being shut down and volunteers taking over.

360 MIKE TEDESCO: The problem comes when the issue is considered permissive and cannot be talked about.

369 CHAIR DERFLER: Questioning the time and money that it takes to get rid of a bad employee.

410 MIKE TEDESCO: The bad decisions are hard for labor relations people to understand as well.

450 MIKE TEDESCO: There has never been a situation where the school board members have complained to me about being harassed by OSEA members.

465 SEN. LEONARD: SB 750 will do nothing to stop intimidation.

TAPE 83, B

040 PATRICIA BIGGS: Chairman of the Board, Tigard-Tualatin School District, testifying in favor of SB 750 (EXHIBIT J).

090 PATRICIA BIGGS: The unions have positioned themselves very well. It is time to return some power to elected boards.

140 PATRICIA BIGGS: Class size is not the issue. The issue is management rights.

190 PATRICIA BIGGS: Factfinders and mediators have given a settlement value to contract language.

220 PATRICIA BIGGS: Factfinding is a waste of time.

270 PATRICIA BIGGS: Comments on Fair Share.

300 PATRICIA BIGGS: Discussing the difficulty of terminating poor teachers.

320 CHAIR DERFLER: Do you think this bill would increase the likelihood of strike?

340 PATRICIA BIGGS: Our negotiations with classified staff has been very good.

380 PATRICIA BIGGS: Describing the school board's view of why they can't "Just say no".

418 PATRICIA BIGGS: The school board members are the ultimate volunteers.

420 SEN. LEONARD: I find it offensive to accuse the union of dishonesty.

450 RICHARD CARLSON: School Board Member, Tigard-Tualatin School Dist., testifying in favor of SB 750 (EXHIBIT K).

495 RICHARD CARLSON: Even in collaborative bargaining it took far too long to resolve issues.

TAPE 84, B

055 RICHARD CARLSON: Collaboration was not a two way street.

083 CHAIR DERFLER: How would this bill change the communications between management and teachers?

100 RICHARD CARLSON: Continuing discussion about the communication bar.

120 RICHARD CARLSON: Describing the situation of bargaining of high school schedules.

170 RICHARD CARLSON: Discussing mandatory verses permissive bargaining.

205 RICHARD CARLSON: Discussing "Final Offer" revisions in Section 1 (9) (12).

250 SEN. ADAMS: I am concerned about testimony that impugns the motives of others.

268 RUSSELL JOKI: Superintendent of schools, Tigard-Tualatin School Dist., testifying in favor of SB 750. (EXHIBIT M)

290 RUSSELL JOKI: Would like to see secretaries who deal with confidential information removed from the bargaining unit.

320 RUSSELL JOKI: Discussing volunteers.

345 KEN WELLS: President, North Clackamas Education Assoc., testifying against SB 750 (EXHIBIT L).

395 KEN WELLS: The rules under which the parties negotiate should provide a level playing field.

440 KEN WELLS: Our district produces one of the highest number of National

Merit Scholars in the nation.

490 KEN WELLS: I would like to review several of the proposed changes.

TAPE 85, A

035 SEN. ADAMS: From your perspective the changes would all be in favor of the school board. Does that mean that you think the teachers have all the advantages now?

038 KEN WELLS: I think it was a fair system.

080 KEN WELLS: Discussing time frames for bargaining.

125 KEN WELLS: This bill is tipping the scale.

160 KEN WELLS: Discussing lay off by seniority.

200 KEN WELLS: Arbitrator cannot cite previous cash balance or cash carry-forward from one fiscal year to resolve dispute in subsequent years.

205 CHAIR DERFLER: I don't think teachers normally go to binding arbitration.

247 KEN WELLS: Closing testimony - effective teaching is an art.

280 SEN ADAMS: I do not appreciate testimony that impugns the motives of the parties.

315 MICHAEL FRANELL: City Attorney and Planning Director for the City of Ontario, testifying in favor of SB 750 (EXHIBIT N).

350 MICHAEL FRANELL: Supports sections of SB 750 that deal with the scope of mandatory bargaining and communication bar.

400 MICHAEL FRANELL: We do not have a problem discussing permissive subjects with our employees, however we do have a problem with turning permissive subjects of bargaining over to a third party arbitrator.

450 MICHAEL FRANELL: Discussing the communication bar.

490 MICHAEL FRANELL: We did not want our employees to suffer a 6% pay cut due to measure 8.

TAPE 86, A

040 MICHAEL FRANELL: We feel that a lift on the communication bar will improve negotiations.

080 MICHAEL FRANELL: One problem in the bill is the requirement of notice. Who is responsible for giving notice? The 5 day limit is very difficult in rural areas.

110 JIM ELVIN: Retired State of Oregon Employee, testifying in favor of SB 750.

150 JIM ELVIN: Discussing Fair Share.

200 JIM ELVIN: Continuing testimony on Fair Share.

210 SEN. LEONARD: What union do you belong to? What job did you hold?

230 JIM ELVIN: My wages were just a shade above the average but we had far better benefits and days off than the private sector.

270 JIM ELVIN: Discussing his retirement benefits.

310 SEN. ADAMS: Calling next witness.

316 BILL Sizemore: Oregon Taxpayers United, testifying in favor of SB 750 (EXHIBIT O).

350 BILL Sizemore: Explaining the difference between bargaining in the private and public sectors.

400 BILL Sizemore: In the public sector it is possible to help financially and vote for the person bargaining across the table from you.

430 BILL Sizemore: Government is a monopoly.

470 BILL Sizemore: The ability to strike in the public sector is a hammer held over the people.

TAPE 85, B

035 BILL Sizemore: Discussing four major goals of public service.

075 BILL Sizemore: Thinks that SB 750 does not go far enough. Makes suggestions to improve the bill.

100 BILL Sizemore: Explaining chart on page 7 of EXHIBIT O.

115 CHAIR DERFLER: Requests Bill Sizemore to continue testimony on Wednesday, March 15th.

120 SEN. LEONARD: Will lose sleep worrying about Wednesday's testimony.

130 CHAIR DERFLER: Closing PUBLIC HEARING on SB 750.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 750 - James Thompson, Assn. of Western Pulp and Paper Workers - 3 pages
B - Testimony on SB 750 - Edward Jensen, Superintendent, Wallowa School - 2 pages
C - Testimony on SB 750 - Richard Risener, Superintendent, South Umpqua School - 1 page

D - Testimony on SB 750 - Larry Campbell, OR Assoc. of Chief of Police - 1 page
E - Testimony on SB 750 - Linda Randall, teacher, Cottage Grove - 3 pages
F - Testimony on SB 750 - Philip Curtis, Classified employee, OHSU - 3 pages
G - Testimony on SB 750 - Philip Lynch, teacher - 1 page
H - Testimony on SB 750 - Barbara Rose, teacher, Springfield - 2 pages.
I - Testimony on SB 750 - George Alvergue, teacher - 1 page
J - Testimony on SB 750 - Patricia Biggs, Board Chairman, Tigard-Tualatin School Dist. - 10 pages
K - Testimony on SB 750 - Richard Carlson, Board Member, Tigard-Tualatin - 9 pages
L - Testimony on SB 750 - Ken Wells, teacher, North Clackamas - 12 pages
M - Testimony on SB 750 - Russell Joki, Superintendent, Tigard-Tualatin - 2 pages
N - Testimony on SB 750 - Michael Franel, City of Ontario - 3 pages
O - Testimony on SB 750 - Bill Sizemore, Oregon Taxpayers United - 7 pages