

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

March 13, 1995 Hearing Room B
8:00 AM Tapes 87 - 89

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Sen. Brady Adams, Vice-Chair
Sen. Bill McCoy

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 87, A

001 CHAIR DERFLER: Calling the meeting to order at 8:05 AM.

002 CHAIR DERFLER: Opening PUBLIC HEARING on SB 750.

003 RITA THOMAS: Reading letter into the record (EXHIBIT A).

007 BERNIE OTJEN: Washington Co. Firefighter, testifying against SB 750 (EXHIBIT B).

040 BERNIE OTJEN: The instability and uncertainty this proposal will inject into the workplace will not make managing in the public sector easier.

089 SEN. BRYANT: Is there one committee or a list of political options for employee contributions to political action?

115 SEN. BRYANT: By making some subjects permissive instead of mandatory, you feel like management would just not listen to these subjects?

130 BERNIE OTJEN: I don't think Captains and Lieutenants should be considered management.

160 BERNIE OTJEN: The fire team is more like family and there is not an adversarial environment.

174 SEN. BRYANT: How would it affect your role if you were out of the bargaining unit?

215 BERNIE OTJEN: Discussing the arbitrator's decisions on the ability to hire and retain good employees.

236 SEN. LEONARD: Do firefighters make recommendations to the chief and use independent judgments out in the field?

260 BERNIE OTJEN: It would appear to me that Firefighters might not be eligible to be in the bargaining unit under the definition of manager in this bill.

266 CHAIR DERFLER: Please explain competitiveness for fire protection.

298 NICK KELSEY: Coos Bay Firefighter, testifying against SB 750.

330 SEN. BRYANT: I did not support measure 8 and I don't think it would have been on the ballot if it had been introduced in this session. With this bill, we are trying to get these kind of issues settled at the bargaining table.

360 SEN. LEONARD: How often has Coos Bay been to arbitration?

390 NICK KELSEY: Fire fighters would not want to go out on strike.

430 GEORGE BARRY: City of Albany, testifying in favor of SB 750 (EXHIBIT C).

470 GEORGE BARRY: I worked with the Fire Chief in order to gain understanding of overtime costs.

TAPE 88, A

050 GEORGE BARRY: We put a weekend ad in the paper and had over 80 eligible Firefighters apply.

075 SEN. BRYANT: Can you tell me the employer's side of the definition of manager in the bill?

090 GEORGE BARRY: It seems incongruous that someone doing discipline could be in the bargaining unit.

115 CHAIR DERFLER: If the manager is in the same unit would there be a grievance filed?

130 GEORGE BARRY: I think it would be less likely for a lieutenant to discipline if he was in the same bargaining unit with the employee.

150 GEORGE BARRY: We do not bargain safety issues now.

184 GEORGE BARRY: This bill does not restrict bargaining. It only restricts what can and can not go to binding arbitration.

195 SEN. LEONARD: Do you have a certain minimum number of employees?

220 GEORGE BARRY: Safety was raised but the issue was staffing.

253 SEN. LEONARD: Can you give me a example of a lieutenant issuing discipline?

280 SEN. BRYANT: Would the City of Albany make lieutenants mangers if the law changed?

300 DAN MCAVOY: Coos Bay Firefighters, testifying against SB 750.

330 SEN. KINTIGH: What comparable do you use in Coos Bay?

375 DAN MCAVOY: Discussing how far behind in pay the Coos Bay Firefighters are. If the Coos Bay Firefighters were forced to strike, it would be a bad situation.

410 DAN MCAVOY: We have one man responding on an apparatus many days out of the year.

440 CHAIR DERFLER: You have been to binding arbitration about 50% of the time. Why has the City not met your demands?

TAPE 87, B

033 CHAIR DERFLER: What increase are you asking for?

040 SEN. BRYANT: If you are unhappy with wages and benefits, you could always work somewhere else.

065 SEN. BRYANT: How many applicants did you have at the last test? The fact that there are so many applicants, does that show that there are a lot of employees willing to work for those wages and benefits?

100 SEN. LEONARD: Would it surprise you if these positions could be filled at minimum wage just to get experience?

140 DAN MCAVOY: Our own management admits that we are a training ground.

157 SEN. KINTIGH: It doesn't look like there would be very good prospects in Washington with 3000 applicants.

164 JOHN ANDERSON: Administrator, Polk County, testifying in favor of SB 750 (EXHIBIT D).

220 CHAIR DERFLER: You are saying that what was agreed to at the table was taken back?

260 JOHN ANDERSON: Discussing Section 26, page 18 - public employee transfer section.

310 JOHN ANDERSON: In binding arbitration, the arbitrator looks at other decisions in the area. Small communities are not always comparable.

355 JOHN ANDERSON: I arrived in Polk County in 1988. They were in the middle of arbitration. A list of the issues is in Exhibit D.

400 JOHN ANDERSON: Discussing the bargaining of the July 1990 contract.

440 JOHN ANDERSON: Discussing the new issues brought up in the 1990 negotiations.

TAPE 88, B

040 JOHN ANDERSON: Discussing the volume of material that the union presents for negotiations using this as a ploy to split the difference in arbitration.

065 JOHN ANDERSON: We feel like this bill would do a lot to help negotiations be in good faith.

075 CHAIR DERFLER: If you had to chose between binding arbitration over strike, what would you choose?

086 SEN. BRYANT: What has your turnover been in public safety? Have you had difficulty in finding replacements for openings?

110 SEN. LEONARD: Did you bring any of your documents for negotiations and arbitrations?

140 SEN. LEONARD: Do you not allow officers to carry weapons when off duty?

180 JOHN ANDERSON: I would concur that we would have applicants that just want to get into the department.

210 CHAIR DERFLER: How do you feel about safety issues being a part of bargaining?

230 JOHN ANDERSON: We have a joint safety committee who is affective and efficient.

265 CHAIR DERFLER: Could you address the fair share issue?

300 CHAIR DERFLER: Does OSEA have standards for safety equipment?

315 SEN. LEONARD: Probably an issue would be if the equipment was substandard.

330 CARLA PUSATERI: Corvallis Firefighter, testifying against SB 750 (EXHIBIT E).

380 CARLA PUSATERI: Discussing the opening of a new station without additional hiring of staff.

420 CARLA PUSATERI: Discussing the right to bargain for hazardous material training.

450 CARLA PUSATERI: Her union was able to negotiate vacation time with management.

TAPE 89, A

045 CARLA PUSATERI: Discussing the definition of manager in SB 750.

080 CARLA PUSATERI: Discussing Section 7 of the bill that deals with timelines.

120 CARLA PUSATERI: The City of Corvallis got a new manager in 1988 and for the first time they ended up in binding arbitration.

150 CARLA PUSATERI: This bill assumes that employers would bargain in good faith.

167 SEN. LEONARD: If SB 750 passes, can you imagine management saying they had enough applications to lower wages for a position?

215 CARLA PUSATERI: I do not think that would happen in Corvallis now, but a few years ago it would have been possible.

230 MAX RILEY: Corvallis School, testifying in favor of SB 750 (EXHIBIT H).

280 MAX RILEY: A effective balance was struck between management on public employees in the 1970s. In the 1980s, we saw an erosion of that balance.

300 MAX RILEY: Continuing testimony.

350 MAX RILEY: Explaining the layoff situation that happened in Corvallis.

370 SEN. KINTIGH: Were teachers who had seniority but not necessarily experience in other areas moved to other areas of teaching?

420 MAX RILEY: This bill brings back the balance between labor and management.

TAPE 90, A

030 MAX RILEY: We have learned not to rely on the Employment Relations Board.

060 MAX RILEY: Encouraging the passage of the section on SB 750 that changes the criteria for layoff.

070 SEN. LEONARD: Wants to know how many more witnesses we have today.

100 SEN. LEONARD: Can you give me an example of permissive subjects that you have bargained?

130 MAX RILEY: Once a permissive subject has been identified it is prohibited from bargaining.

150 SEN. LEONARD: Can a permissive subject be the basis of a strike?

180 MARY BOTKINS: AFSCME, testifying against SB 750 (EXHIBIT F).

212 MARY BOTKINS: Discussing Fair Share.

252 KEN ALLEN: The trend has been to downsize management.

260 MARY BOTKINS: Discussing filing fee for ULP.

275 CHAIR DERFLER: Do you find the ULPs are filed to keep things going?

312 CHAIR DERFLER: We have heard a lot of testimony of negotiations taking 16 plus months.

335 MARY BOTKINS: I would like to check with some of our management folks before I say if the word change you suggested would work.

370 MARY BOTKINS: Discussing mid-term Bargaining.

400 CHAIR DERFLER: We have heard testimony where programs will be cut unless volunteers take over.

430 MARY BOTKINS: Discussing overtime.

466 mary botkins: The people we work with in corrections want less overtime. The 8 hour day protects the workers safety.

TAPE 89, B

044 MARY BOTKINS: Our folks bid through those situations.

090 MARY BOTKINS: We are adamantly opposed to the changes of mandatory interest arbitration.

115 CHAIR DERFLER: Question regarding health benefits?

120 KEN ALLEN: AFSCME, discussing scope issues.

150 KEN ALLEN: Discussing discipline and discharge.

180 JEFF SEEKATZ: OPEU Bargaining Team, testifying against SB 750. (EXHIBIT G).

230 JEFF SEEKATZ: I believe that the deletion of the fact finding process would be a serious mistake.

260 CHAIR DERFLER: Closing PUBLIC HEARING on SB 750.

262 CHAIR DERFLER: Meeting is adjourned at 11:10 AM.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 750 - Betty Haus, American Association of University Women - 1 page

- B - Testimony on SB 750 - Bernie Otjen, Washington County Firefighters - 3 pages
- C - Testimony on SB 750 - George Barry, City of Albany - 3 pages
- D - Testimony on SB 750 - John Anderson, Polk County - 16 pages
- E - Testimony on SB 750 - Carla Pusateri, Corvallis Firefighters - 4 pages
- F - Testimony on SB 750 - Mary Botkins, AFSCME - 21 pages
- G - Testimony on SB 750 - Jeff Seekatz 2 pages
- H - Testimony on SB 750 - Max Riley, Corvallis Schools - 2 pages

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

Hearing Room
Tapes 91 - 93

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Sen. Neil Bryant
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

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Amy Baker, Committee Assistant

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TAPE 9, A

003 CHAIR DERFLER: Opens PUBLIC HEARING on SB 750.

009 RITA THOMAS: Reads written testimony into record. [EXHIBIT A] [EXHIBIT B] [EXHIBIT C] [EXHIBIT D]

020 JEFF ANDERSON: Begins testimony against SB 750. [EXHIBIT E]

040 PATRICK DAVIS: Representing the Oregon State District Council of Carpenters. Begins testimony against SB 750. [EXHIBIT F]

095 SEN. ADAMS: Asks about his perspective on private and public sector employment, as it relates to firing employees.

102 PATRICK DAVIS: Discusses the industries and difference that make up these situations.

153 SEN. ADAMS: Asks whether there is some comparison between public and

private sector employment.

160 PATRICK DAVIS: Discusses his experience with incompetent public employees and the validity of the current system to fire these individuals.

215 SEN. BRYANT: Makes note to the speaker's example in which the employee was not tenured.

260 PATRICK DAVIS: Continues discussion of tenured teachers and administrators.

285 MARLIN AERNI: Representing United Paper Workers in Oregon. In opposition to SB 750.

340 MARLIN AERNI: Continues testimony in opposition to SB 750, discussing the need for good management.

400 LIZ SHULER: Introduces panel from IBEW.

410 WILLIAM MILLER: Begins testimony against SB 750. [EXHIBIT G]

TAPE 92, A

030 WILLIAM MILLER: Continues to testify on mandatory subjects of bargaining. [EXHIBIT G]

088 SEN. BRYANT: You currently negotiated under what acts?

090 WILLIAM MILLER: The Federal Labor Relations Act, the National Labor Relations Act and the rules set up by the state of Oregon.

100 SEN. BRYANT: Discusses the need for a fee in unfair labor claims.

130 WILLIAM MILLER: Speaks to the problem of coming up with the fee, which some unions do not subsidize for their members.

155 SEN. LEONARD: Asks what their union is allowed to bargain under the National Labor Relations Act in the private sector.

160 WILLIAM MILLER: Discusses subjects which are permissive and mandatory.

172 WALT CONNER: Representing IBEW local 659, testifying against SB 750. [EXHIBIT H]

225 WALT CONNER: Continues testimony regarding the need for unions. [EXHIBIT H]

250 RAY STRAIN: Representing IBEW local 659. Speaking in opposition of SB 750. [EXHIBIT I]

305 ANNE WEBB: Tax Auditor for the state of Oregon, testifying against SB 750. [EXHIBIT N]

350 ANNE WEBB: Continues testimony on public sector employment.

400 ANNE WEBB: Continues testimony on public sector employment.

TAPE 91, B

055 ELLEN WILLIS: Worker at the Department of Revenue. Testifies against SB 750.

100 ELLEN WILLIS: Continues testimony against SB 750.

123 TIMOTHY HARRIS: Representing Local 274. Testifying against SB 750.[EXHIBIT J]

175 TIMOTHY HARRIS: Continues testimony against SB 750, following [EXHIBIT J].

233 PAT FRAME: Teacher in opposition of SB 750.

277 PAT FRAME: Discusses section 10, volunteerism.

300 DIANE THELEN: Testifying about the policy of probationary period, tenured teachers and the process to dismiss incompetent teachers.

370 RICHARD GARRETT: Portland teacher, testifying against SB 750.

TAPE 92, B

005 RICHARD GARRETT: Continues testimony on teachers' contract items related to teacher safety.

025 MICHELE TURNER: State worker testifying in opposition to SB 750.

075 MICHELE TURNER: Continues testimony against SB 750.

116 PENNY MORGAN: Testifying against SB 750.[EXHIBIT K]

160 PENNY MORGAN: Discusses her personal experience with management and unions.

200 PENNY MORGAN: Concludes testimony on SB 750.

230 JANET MCINTIRE: Discusses the seven requirements of "just cause".

277 LYNNE HARDIN: Testifying against SB 750.[EXHIBIT L]

322 LYNNE HARDIN: Continues testimony as a unclassified worker against SB 750.

340 STEVE GIBBONS: Professor at Western Oregon State College, testifying against SB 750.[EXHIBIT M]

TAPE 93, A

005 STEVE GIBBONS: Continues testimony describing the situations in "right-to-work" states.

015 CHAIR DERFLER: Closes PUBLIC HEARING
Adjourns meeting.

Submitted by, Reviewed by,

Amy Baker Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Written testimony on SB 750 - Robert McManus - 1 page
- B - Written testimony on SB 750 - Dale White/Lee Wallace - 3 pages
- C - Written testimony on SB 750 - Leroy Churchill - 2 pages
- D - Written testimony on SB 750 - Irv Fletcher - 3 pages
- E - Written testimony on SB 750 - Jeff Anderson - 1 page
- F - Written testimony on SB 750 - Patrick Duffy - 2 pages
- G - Written testimony on SB 750 - William Miller - 7 pages
- H - Written testimony on SB 750 - Walt Conner - 3 pages
- I - Written testimony on SB 750 - Ray Strain - 3 pages
- J - Written testimony on SB 750 - Tim Harris - 3 pages
- K - Written testimony on SB 750 - Penny Morgan - 2 pages
- L - Written testimony on SB 750 - Lynne Hardin - 2 pages
- M - Written testimony on SB 750 - Steve Gibbons - 2 pages
- N - Written testimony on SB 750 - Anne Webb - 3 page