

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

Hearing Room  
Tapes 94 - 97

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Sen. Brady Adams, Vice-Chair

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 94, A

003 CHAIR DERFLER: Opens public hearing on SB 750.

006 RITA THOMAS: Read testimony into record. [EXHIBIT A] [EXHIBIT B]  
[EXHIBIT C] [EXHIBIT D] [EXHIBIT E] [EXHIBIT F] [EXHIBIT G] [EXHIBIT H]

022 BILL SIZEMORE: Begins testimony in favor of SB 750, noting that it does not go far enough to protect the rights of all taxpayers.

080 BILL SIZEMORE: Testifies on public employees and collective bargaining.

120 BILL SIZEMORE: Testifies on need for all citizens to have the equal right to petition their government.

130 SEN. MCCOY: Why can't the public employee have the right to petition their government?

135 BILL SizEMORE: They do have that right, it should just not be a mandatory subjects of bargaining.

190 SEN. LEONARD: Asks if the public safety employees are the same as private sector safety employees in terms of bargaining safety issues.

212 BILL SizEMORE: No, because in the private sector the employers are not making public policy.

270 BILL SizEMORE: Discusses what the public employees should and shouldn't be allowed to bargain.

310 BILL SizEMORE: States that public employees should not be allowed to strike.

360 SEN. LEONARD: States that the public sector does have a pressure that the private sector does not, the public sector must answer to the electorate.

TAPE 95, A

008 BILL SizEMORE: States that he thinks that the current public employee sentiment is not positive at this time.

050 SEN. LEONARD: Discusses binding arbitration.

090 BILL SizEMORE: States that there cannot be any collective bargaining in the public sector without it being a "sham".

130 SEN. LEONARD: Discusses a case where public employees petitioned the government for a pension which they received but not through the negotiations by their union.

170 RICHARD SCHWARZ: Testifying against SB 750. [EXHIBIT I]

220 RICHARD SCHWARZ: Continues testimony following [EXHIBIT I].

275 RICHARD SCHWARZ: References page 15 of [EXHIBIT I].

325 RICHARD SCHWARZ: Discusses private sector employment as it compares to public sector employment.

375 RICHARD SCHWARZ: Testifies against SB 750. Page 8 of [EXHIBIT I].

TAPE 94, B

010 RICHARD SCHWARZ: Discusses what the SB 750 says are appropriate unions.

050 RICHARD SCHWARZ: Speaks to the deletion of "fair share" in SB 750.

100 RICHARD SCHWARZ: Discusses filing fees for unfair labor practices.

125 SEN. BRYANT: Discusses the 1993 interim study of collective bargaining.

165 SEN. BRYANT: Says that the system needs correction.

200 RICHARD SCHWARZ: Discusses some of the problems testified to by previous witnesses.

250 SEN. BRYANT: Discusses the turn-over rate as a sign of stability for an employer.

300 DAWN MORGAN: OPEU. Testifying against SB 750. [EXHIBIT J]

350 DAWN MORGAN: Continues testimony against SB 750. [EXHIBIT J]

4xx WILLIAM BARRONS: Representing Clatsop Co. [EXHIBIT K]

TAPE 95, B

020 WILLIAM BARRONS: Continues testimony in favor of SB 750.

060 WILLIAM BARRONS: Speaks to section (15).

090 CHAIR DERFLER: Do you bargain benefits or dollars?

095 WILLIAM BARRONS: Presently, we bargain dollars.

106 SEN. LEONARD: In your experience in Michigan was last best offer by item or package?

108 WILLIAM BARRONS: It was by item.

115 WILLIAM BARRONS: Discusses his favoring of last best offer by package.

151 RICHARD MARSHALL: Begins testimony on SB 750. [EXHIBIT L]

200 RICHARD MARSHALL: Discusses his background on school finance.

240 RICHARD MARSHALL: Discusses management's need for better information.

300 RICHARD MARSHALL: Discusses the financial situation of Oregon schools. [EXHIBIT L]

366 SEN. LEONARD: What is your idea to get this information into the public's hands?

375 RICHARD MARSHALL: Not sure, but must be given forcefully.

TAPE 96, B

015 RICHARD MARSHALL: Discusses benefits for teachers in Oregon.

065 RICHARD MARSHALL: Continues discussion of benefits for teachers in Oregon.

100 RICHARD MARSHALL: Discusses what he sees as the school board's obstacles in terms of getting information out.

160 ROBERT CRUMPTON: Begins testimony against SB 750. [EXHIBIT M]

200 ROBERT CRUMPTON: Continues testimony against SB 750. [EXHIBIT M]

250 ROBERT CRUMPTON: Discusses changes to scope of bargaining.

290 CHAIR DERFLER: Recesses meeting for ten minutes.

291 SEN. BRYANT: Reopens PUBLIC HEARING on SB 750.

297 ROBERT CRUMPTON: Continues testimony.[EXHIBIT M]

350 ROBERT CRUMPTON: Discusses successful efforts in bargaining.

400 ROBERT CRUMPTON: Speaks to the new definition of managerial positions.

TAPE 97, A

021 ROBERT CRUMPTON: Discusses classified and community college people.  
Page 5 of [EXHIBIT M]

070 ROBERT CRUMPTON: Gives an example of school board management. Page 7 of  
[EXHIBIT M].

100 SEN. LEONARD: Recess meeting until Chair returns.

102 CHAIR DERFLER: Reopens PUBLIC HEARING on SB 750.

104 ROBERT CRUMPTON: Continues testimony against SB 750.

150 ROBERT CRUMPTON: Discusses the role of school board members.

170 SEN. BRYANT: Discusses the original intent having a communications bar  
in the Act.

213 SEN. BRYANT: What relevance does the previous witnesses salaries have  
to this bill and their ability to make suggestions on SB 750?

240 KENNETH FOOTE: School board member. Testifying in favor of SB 750.

275 KENNETH FOOTE: Discusses his school board's desire for open meetings.

320 KENNETH FOOTE: Discusses his district's problems with trying to  
contract out the school lunch program.

346 SEN. LEONARD: What was the union's objection to contracting out the  
school lunch program.

353 KENNETH FOOTE: In my opinion the union's position was that there is  
nothing wrong with the district subsidizing the school lunch program. The  
funds should be found for the current school lunch program.

400 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 - Written testimony on SB 750 - Samuel Dominy - 12 pages

B - Written testimony on SB 750 -Bill Hansell - 1 page  
C - Written testimony on SB 750 - Melinda Miller - 1 page  
D - Written testimony on SB 750 - Hahn Neimand - 2 page  
E - Written testimony on SB 750 - Ruth Bendl - 1 page  
F - Written testimony on SB 750 - Patrick Duffy - 2 page  
G - Written testimony on SB 750 - Craig Roessler - 2 pages  
H - Written testimony on SB 750 - Tedra Overholser 1 page  
I - Written testimony on SB 750 Richard Schwarz - 16 pages  
J - Written testimony on SB 750 - Dawn Morgan - 2 pages  
K - Written testimony on SB 750 - Williams Barrons - 4 pages  
L - Written testimony on SB 750 - Richard Marshall - 4 pages  
M - Written testimony on SB 750 - Robert Crumpton - 14 pages

SENATE COMMITTEE ON  
LABOR AND GOVERNMENT OPERATIONS

MARCH 15, 1995 Hearing Room A  
7:00 PM Tapes 98 - 101

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 98, A

001 CHAIR DERFLER: Calling meeting to order 7:00 PM.

001 CHAIR DERFLER: Opening PUBLIC HEARING on SB 750.

002 RITA THOMAS: Reading letters into the record (EXHIBITS A - C).

006 CHAIR DERFLER: Covering ground rules.

015 ALICE DALE: OPEU, testifying against SB 750 (EXHIBIT E).

052 ALICE DALE: The changes to PECBA offered in SB 750 constitute an enormous attack on public employees.

090 ALICE DALE: Describing the changes made in Phipps Nursery.

130 ALICE DALE: Discussing penalties imposed in the event of illegal strikes.

180 ALICE DALE: Referring to the attachments to (EXHIBIT E).

190 BOB HART: Oregon Association of Chiefs of Police, testifying in support of SB 750.

204 DON SCOTT: Labor Relations consultant, testifying in support of SB 750.

215 JIM Tomlinson: Speaking about Section 7., other conditions of employment.

230 DON SCOTT: Discussing safety issues.

270 DON SCOTT: Definition of supervisory employee.

280 JIM TOMLINSON: Discussing definition of manager.

300 SEN. LEONARD: Please explain your safety committee. Is it an advisory committee?

350 SEN. LEONARD: Are you referring to T-shirts as underwear?

378 SEN. LEONARD: Asking Don Scott about decision of ERB.

430 DON SCOTT: You will look in vain at this decision for any consideration for public safety.

470 DON SCOTT: Discussing the case in the Oregon State Police requiring premium pay for officers in a solo environment.

TAPE 99, A

048 SEN. LEONARD: Do you think the issue of bullet proof vests should be a bargaining issue.

065 DON SCOTT: Discussing the definition of supervisor.

090 DON SCOTT: Discussing time line for filing ULP.

120 KEN WRIGHT: Police Chief, City of Woodburn, discussing volunteers as contracting out.

150 DON SCOTT: Would like to see the section on volunteers made even clearer.

175 SEN. LEONARD: Asking questions about volunteers.

215 SEN. LEONARD: You do not have a specific case where there was a mid term demand to bargain over volunteers?

234 BOB Tardiff: Describing cases where all employees in the police department are in the same bargaining unit.

285 don scott: Current system does not encourage the parties to settle outside of arbitration.

327 SEN. LEONARD: What did you mean by your reference to Wisconsin?

350 SEN. LEONARD: Are you aware that only management can request arbitration in this bill?

380 SEN. LEONARD: Do you support the section of SB 750 that allows police and fire to strike?

412 DON SCOTT: I think the bill gives the employer the option.

450 Chief Marina: We live with the contract for 2 or 3 years, so it is much better for the parties to come to an agreement rather than a third party making the decisions.

TAPE 98, B

040 SEN. BRYANT: Do you feel that the employer should be able to make the decision on whether or not to accept the final offer?

072 DON SCOTT: We like the existing statute on comparisons in geographical labor market.

090 GAIL RASMUSSEN: Secretary, Eagle Point School, testify in opposition of SB 750 (EXHIBIT F).

140 GAIL RASMUSSEN: You have all heard the African proverb, "It takes a whole village to raise a child".

160 SEN. BRYANT: I have trouble with your conclusion that this bill equates to slavery.

185 GAIL RASMUSSEN: Explaining the difference of being in a wall to wall unit verses being in a classified unit.

225 GAIL RASMUSSEN: I do not believe the same considerations were given to classified employees under OSEA.

240 SEN. ADAMS: Question regarding the wall to wall unit?

270 OZZIE ROSE: Oregon School Administrators, testifying in favor of SB 750.

290 Joseph Benninghoff: Oregon School Administrators, testifying in favor of SB 750 (EXHIBIT G).

344 SEN. LEONARD: How would you feel if we had a maximum number of hours for bargaining?

365 CHAIR DERFLER: Please tell me more about the double shot in the fair dismissal appeal law.

380 OZZIE ROSE: We would like to see where this bill is going before we testify to the fair dismissal section of the bill.

400 Karen Hedgahl: Teacher, Josephine County, testifying against SB 750.

435 KAREN HEDGAHL: Discussing union representation during grievance.



440 SEN. BRYANT: What section of the bill are you referring to?

TAPE 99, B

040 SEN. MCCOY: I think she is referring to 2 (B) which is now eliminated.

045 SEN. LEONARD: How about Section 12., on page 8, lines 8 and 9.

070 KAREN HEDGAHL: There are a lot of things that are working well in collective bargaining.

087 JIM KIELY: FOPPO, testifying against SB 750.

120 JIM KIELY: What class of employee do you want to supervise parolees?

160 JIM KIELY: I have quite a few letters from Judges with accolades for the quality of parole and probation officers.

200 JIM KIELY: All PO's are hired at top scales. Discussing abandonment of rating system for evaluations.

235 GARY HEER: Marion County Commission, testifying in favor of SB 750 (EXHIBIT H).

276 GARY HEER: In support of the new definition of manager.

305 GARY HEER: Discussing strike prohibited employees.

350 CHAIR DERFLER: Why is collective bargaining so much worse now than 20 years ago?

368 ROY FLINT: Labor Relations Manager, testifying in favor of SB 750.

390 GARY HEER: Our employees had a more interest based bargaining 20 years ago.

410 ROY FLINT: There is a historical change in how the ERB interprets permissive and mandatory.

435 CHAIR DERFLER: We often hear that if a subject is permissive, management simply won't talk about it.

460 ROY FLINT: I have only dealt with 2 situations where we have declared a topic to be permissive.

465 SEN. MCCOY: Have you had bad experiences with the Unions?

470 GARY HEER: No, we have worked well with the Unions. We have had trouble with binding arbitration.

TAPE 100, A

053 SEN. KINTIGH: Do you feel like you could discuss permissive subjects?

061 ROY FLINT: Yes, agreements are made on permissive subjects.

066 SEN. LEONARD: What are examples of the evolution of ERB's interpretation of permissive and mandatory?

099 ROY FLINT: I was referring to research.

113 SEN. LEONARD: Can you give me an example of Letters of Agreement.

124 JUNE BUCK: Teacher, Medford, testifying against SB 750 (EXHIBIT I).

170 JUNE BUCK: We work hard and deserve fair compensation.

185 Cecilia. JENSON: Teacher, testifying against SB 750.

212 CECILIA JENSON: Describing a pay freeze that took place. She feels that the communication bar is necessary to avoid intimidation.

228 ART PETERSON: Teacher, Jacksonville, testifying against SB 750 (EXHIBIT J).

279 ART PETERSON: I teach my children to treat other as they want to be treated.

285 ELIZABETH BRYAN: Teacher, Grants Pass, testifying against SB 750 (EXHIBIT K).

330 ELIZABETH BRYAN: Discussing the wall to wall units.

350 JOE SIMON: Teacher, Beaverton, testifying against SB 750 (EXHIBIT L).

400 JOE SIMON: Discussing Tom Walt's testimony.

450 JOE SIMON: Discussing communication bar.

TAPE 101, A

040 JOE SIMON: Discussing class size.

080 JOE SIMON: I am not saying that there are not some changes that are necessary to the current Collective bargaining law.

101 SEN. BRYANT: Would you agree to eliminating the communication bar?

120 JOE SIMON: Discussing permissive and mandatory subjects.

138 Lloyd Dilbeck: President, Beaverton Education Association, testifying against SB 750 (EXHIBIT M).

175 LLOYD DILBECK: This is the first time in my career that I have not been a classroom teacher. I have full time release as president of Beaverton Education Association.

220 LLOYD DILBECK: In 1787 when the Constitutional Congress met, delegates wanted to explore every issue and solution.

238 SCOTT WERDEBAUGH: OPEU Member, testifying against SB 750 (EXHIBIT N).

299 SCOTT WEDEBAUGH: Discussing safety issue.  
330 SCOTT WEDEBAUGH: We the unions stand for employment reforms.  
375 SCOTT WEDEBAUGH: We, public employees are fellow citizens who have chosen a career as public employees in service of other fellow citizens.  
400 SEN. LEONARD: Would you call this bill ungodly?  
420 JACK FELMET: Teacher, Beaverton, testifying against SB 750.  
440 JACK FELMET: Explaining the role of the Union with cite councils in effect.

TAPE 100, B

050 JACK FELMET: Continuing testimony on cite councils. They work well in some areas and not in others.  
098 CAROL COLUMBO: Teacher, Portland, testifying against SB 750.  
134 VIRGINIA ROSS: OEA, testifying against SB 750.  
175 VIRGINIA ROSS: Describing a situation in middle school where a student assaulted a teacher over the student wearing a hat.  
225 VIRGINIA ROSS: Discussing bargaining over heat in rooms.  
250 VIRGINIA ROSS: Continuing testimony on problems teachers face every day.  
290 VIRGINIA ROSS: There is a bill in the house that would prohibit the bargaining of salary and benefits.  
304 CHAIR DERFLER: Closing PUBLIC HEARING on SB 750.  
305 CHAIR DERFLER: Meeting is adjourned at 10:05 PM.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas  
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 750 - Bill Morrisette, Mayor, City of Springfield - 1 page  
B - Testimony on SB 750 -William Elliott, City of Coos Bay - 1 page  
C - Testimony on SB 750 - Dennis Goecks/Robert Johnstone, Yamhill County - 4 pages  
D - Testimony on SB 750 - Richard Schwarz, OR Federation of Teachers - 2 pages  
E - Testimony on SB 750 - Alice Dale, OPEU - 8 pages  
F - Testimony on SB 750 - Gail Rasmussen, secretary, Eagle Point School - 2

pages

- G - Testimony on SB 750 - Joseph Benninghoff, OSA - 2 pages
- H - Testimony on SB 750 - Gary Heer, Marion County Commissioner - 4 pages
- I - Testimony on SB 750 - June Buck, teacher, Medford - 1 page
- J - Testimony on SB 750 - Art Peterson, teacher, Medford - 1 page
- K - Testimony on SB 750 - Elizabeth Bryan, teacher, Grants Pass - 1 page
- L - Testimony on SB 750 - Joe Simon, teacher, Beaverton - 11 pages
- M - Testimony on SB 750 - Lloyd Dilbeck, President, Beaverton Education Association - 4 pages
- N - Testimony on SB 750 - Scott Werdebaugh, OPEU member - 3 pages