

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

May 3, 1995 Hearing Room B
8:00 AM and 6:00 PM Tapes 160 - 167

MEMBERS PRESENT:

Sen. Gene Derfler, 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
Amy Baker, Committee Assistant

MEASURES HEARD:

SB 464 PUBLIC HEARING
HB 2494 PUBLIC HEARING / WORK SESSION
HB 2832 PUBLIC HEARING
HB 2110 PUBLIC HEARING / WORK SESSION
SB 35 PUBLIC HEARING / WORK SESSION
HB 3180 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 160, A

002 CHAIR DERFLER: Calling meeting to order at 8:07 AM.

003 CHAIR DERFLER: Opening PUBLIC HEARING on SB 464.

004 BETSY BAILEY: AOI, testifying in support of SB 464 and the -1 amendments.

006 LARRY AMBURGEY: Testifying on SB 464.

032 LARRY AMBURGEY: This is a very delicate bill. Discussing the SB 464-1 amendments.

065 LARRY AMBURGEY: Discussing covered employers in Section 2. The number of employees has changed from 50 to 25.

090 CHAIR DERFLER: What do you mean by protected time off?

140 LARRY AMBURGEY: Discussing medical verification. Employer may require medical verification in certain situations.

185 LARRY AMBURGEY: Discussing the right of the employer to recover costs if the employee does not return to work.

212 LARRY AMBURGEY: The right to use sick leave during family leave will be up to the labor contract and employer.

255 SEN. LEONARD: Did I understand that the employer has the right to require medical verification if an employee is absent for more than 3 days with a sick child.

295 SEN. LEONARD: The major 2 differences of this bill are the medical verification and use of sick leave.

325 JACK ROBERTS: BOLI, testifying on SB 464 (EXHIBIT A & B).

370 SEN. MCCOY: There have been seminars for employees and employers to help them understand the law.

400 JACK ROBERTS: Explaining the chart (EXHIBIT B).

430 JACK ROBERTS: Discussing the changes of Oregon Law from the Federal Law.

TAPE 161, A

047 LARRY AMBURGEY: You are right, under current law. AOI has no problem clarifying the language of that section.

055 SEN. LEONARD: Is the current law that you do not need medical verification for caring for a sick child?

060 JACK ROBERTS: Explaining the reason for the medical verification section.

087 CHAIR DERFLER: If we are going to change the rules from the statute, I think we should change the statute.

115 JACK ROBERTS: Explaining the reductions in the bill.

118 SEN. KINTIGH: How is the number of 25 employees calculated?

135 JACK ROBERTS: The employee has to work at least 25 hours a week and the employer must have over 25 employees for more than 20 weeks out of the year.

150 SEN. LEONARD: Would job-share employees be eligible?

200 LARRY AMBURGEY: This has no impact on job share at all.

250 CHAIR DERFLER: How did you pick the 25 hour figure?

270 CHAIR DERFLER: We have to be sensitive to both sides.

283 SEN. BRYANT: I draft employee policies for clients and I always tell them just to follow state guidelines. I appreciate the effort to make the law clear.

315 SEN. BRYANT: In your review, is this a substantial financial impact on employers?

340 LARRY AMBURGEY: Explaining the financial impact.

370 JACK ROBERTS: In balancing equities, we are taking out sick leave so we have asked the employer to continue paying for insurance coverage at the same percentage as if the employee was still working.

400 SEN. BRYANT: Discussing the problem with the employer trying to collect from the employee if the employee does not return to work.

440 JACK ROBERTS: In our original bill, we wanted to make it the same if you are caring for a sick child as if you are sick yourself.

TAPE 160, B

040 JACK ROBERTS: We want to balance the equities between those who have good benefits with those who work for smaller employers.

050 SEN. LEONARD: The reality is you are going to force people to be dishonest. Employees will be forced to say they are sick in order to get sick leave for caring for a sick child.

068 LARRY AMBURGEY: You can't say that pregnancy will be treated differently than any other type of sickness under the law.

080 SEN. BRYANT: It is important to remember that many small employers do not allow for any sick leave or vacation.

105 SEN. BRYANT: I appreciate the thoughtful consideration you have given this bill.

115 VICKIE TOTTEN: Oregon School Boards Association, testifying on SB 464 (EXHIBIT C).

153 CHAIR DERFLER: How would you prevent that?

157 SEN. LEONARD: So you are testifying in favor of the employer continuing insurance coverage?

180 VICKIE TOTTEN: There are very few school employees who are not represented.

212 LAURIE WIMMER: Testifying on SB 464 (EXHIBIT D).

255 LAURIE WIMMER: Discussing page 4, sub 4.

300 LAURIE WIMMER: Discussing problem with -1 amendment where employer could require a second opinion.

325 CHAIR DERFLER: Do health care providers recognize Naturopaths?

350 LAURIE WIMMER: We would like the hours worked dropped back to at least 20 hours, if not eliminated entirely.

400 LAURIE WIMMER: We believe the job protection amendment cuts back on the deal we made.

440 LAURIE WIMMER: We want a clarification on the available job section.

TAPE 161, B

030 LAURIE WIMMER: We feel we are better suited to present the workers of Oregon. Leave rights would be out of reach of the working poor.

060 LAURIE WIMMER: We would like to have a retaliation clause added to protect the employees from discrimination by employers.

100 SEN. LEONARD: Can you live with the -1 amendment if the -2 and conceptual amendments are also passed?

105 AMY KLARE: AFL-CIO, testifying on SB 464 (EXHIBIT E).

140 AMY KLARE: Encourages committee to pass -2 amendments.

145 MARIANNE GEST: OPEU, testifying on SB 464. We oppose the -1 amendments and support the -2 amendments.

170 SEN. LEONARD: Are you saying there was an agreement to leave in sick leave use?

182 LAURIE WIMMER: We could not agree on 2 issues.

202 MARY BOTKINS: AFSCME, testifying on SB 464. Discussing how sick leave will be handled.

216 FRANK BRAUNER: Oregon Bankers Association, testifying in support of SB 464 with -1 amendments.

260 FRANK BRAUNER: Discussing the 20 mile limit for job replacement for returning worker.

265 SEN. LEONARD: Did I understand you to say that employees were allowed to use sick leave for family leave in the banking industry back in the 60's?

300 FRANK BRAUNER: Our sick leave policies have diminished because of current law.

301 SEN. MCCOY: Do you like the -1 amendments?

310 BOB HALL: PGE, testifying on SB 464 - use of paid sick leave.

350 SEN. LEONARD: What is your current policy on use of sick leave?

390 BOB HALL: PGE has a very liberal policy.

415 SEN. LEONARD: If PGE pays unused sick leave at retirement, I have a hard time grasping why they would not allow employees to use that same sick leave for care of newborns.

467 BOB HALL: Explaining the 3 different leave plans being combined into one.

TAPE 162, A

044 LARRY AMBURGEY: Explaining usage of sick leave while on parental leave.

060 CHAIR DERFLER: A lot of employers will eliminate sick leave.

068 SEN. MCCOY: Enlightened employers will not eliminate sick leave.

080 TEVINA BENEDICT: Women's rights, testifying on SB 464. We could not support this bill without the -2 amendments.

112 BONNIE HEITSCH: Commission for Child Care, testifying on SB 464. I am concerned with the roll backs (EXHIBIT F).

150 BONNIE HEITSCH: There have not been problems with the Parental Leave Law.

180 BONNIE HEITSCH: We know that parents can only take as much leave as they have wage replacement for.

187 CHAIR DERFLER: There has been a lot of give and take in this bill. What are you willing to give up in order to have the things you want?

200 SEN. KINTIGH: Many employees do not have any wage replacement for time off work.

212 SEN. LEONARD: Could you live with the hour requirement of 25 hours of work per week?

225 SEN. MCCOY: Would you have a preference on the 180 days or 90 days?

240 CHAIR DERFLER: Closing PUBLIC HEARING on SB 464.

244 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2494.

250 DON SCHELLENBERG: Oregon Farm Bureau, testifying on HB 2494.

280 CHAIR DERFLER: Could a partner go to work for someone else and then be eligible for unemployment?

298 DONNA HUNTER: Employment Department, testifying on HB 2494. The Dept. is neutral on this bill and I am here to answer questions.

314 SEN. MCCOY: Could you name those states?

330 DON SCHELLENBERG: This bill did pass the house with a 55-1 vote.

335 SEN. MCCOY: Where did the 25% figure come from?

340 DONNA HUNTER: Explaining definition for substantial.

370 DONNA HUNTER: This could have a slight negative impact on the fund.

393 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2494.

395 CHAIR DERFLER: Opening WORK SESSION on HB 2494.

400 SEN. MCCOY: Strongly objects to this bill.

430 SEN. BRYANT: The ones receiving the benefits should be the ones paying for the fund.

440 SEN. LEONARD: The whole point of insurance is that everyone that is paying will not be filing a claim.

TAPE 163, A

040 SEN. LEONARD: Discussing the purpose of insurance.

060 SEN. MCCOY: I do not know why the sponsor of the bill is not here to answer questions.

MOTION: SEN. BRYANT moves HB 2494 to the Senate floor with a DO PASS recommendation.

VOTE: 3-2

AYE: Bryant, Kintigh, Derfler

NO: Leonard, McCoy

SEN. KINTIGH will carry the bill.

075 CHAIR DERFLER: Closing WORK SESSION on HB 2494.

078 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2832.

082 DON WOODLEY: Marion County, testifying in favor of HB 2832.

114 SEN. MCCOY: What about processing plants?

128 DON WOODLEY: That would not come under this bill. It has to be a farm operation.

150 SEN. LEONARD: What about exiting?

156 SEN. KINTIGH: Is this only for new building or also existing structures?

160 SEN. LEONARD: Can you have 9 employees in a building without having a structural inspection?

180 DON WOODLEY: Explaining current structural permit requirements.

190 PEGGY COLLINS: Building Codes, testifying on HB 2832. Explaining exiting codes.

212 SEN. KINTIGH: I would suggest that in most of these cases that at least one side of a building would be open.

230 SEN. MCCOY: What is your reason for bringing this to our attention?

240 DON WOODLEY: We would put a lot of farming operations out of business.
We want to change the codes to cover the number of employees in the
building rather than the number of hours that the building is in use.

290 SEN. KINTIGH: I would suggest that maybe OSHA would have an opinion on
this.

330 SEN. LEONARD: I feel like the farm codes should be the same as any
other building code.

350 SEN. BRYANT: Wouldn't Building Codes already have codes for this? SEN.
LEONARD, what you want is a second exit in these buildings?

373 PEGGY COLLINS: The owner of the property would not be required to come
to get a permit.

395 SEN. KINTIGH: You just have to submit a cite plan.

400 SEN. LEONARD: I could not support a bill that would allow 9 employees
to work in a building full time without 2 exits.

420 SEN. BRYANT: Could we put something into this bill about exiting?

460 DON WOODLEY: Discussing the door codes on commercial buildings.

TAPE 162, B

045 PEGGY COLLINS: I would like to point out that the use of the number of
less than 10 employees would increase the number of hours of use from 144 a
week to about 360.

065 SEN. BRYANT: On line 16 could we add language to cover exiting?

076 SEN. MCCOY: Peggy, does your board approve of this bill?

081 PEGGY COLLINS: Our division does approve of this because of the
impossibility of monitoring the number of hours the building is occupied.

095 CHAIR DERFLER: Closing PUBLIC HEARING on HB 2832.

100 CHAIR DERFLER: Opening PUBLIC HEARING on SB 35.

108 JOE BREWER: Building Codes, testifying on SB 35.

130 SEN. MCCOY: Have you read through the -10 amendments?

141 CHAIR DERFLER: Calling a short recess to vote on the senate floor at
11:05 AM.

142 CHAIR DERFLER: Calling meeting to order at 11:15 AM.

143 JOE BREWER: Continuing testimony, explaining summary of SB 35.

170 CHAIR DERFLER: Is there anything to make municipalities carry through
on the 4 year agreement?

185 JOE BREWER: There are no penalties to make the municipalities carry through.

190 SEN. KINTIGH: If they come back and want to resume the program, you could turn them down.

203 JOHN GERVAIS: Testifying on SB 35.

253 BURTON WIEST: Testifying on SB 35.

285 SEN. MCCOY: Are you referring to the SB 35-10 amendments?

300 BURTON WIEST: We would encourage the Committee not to go back. We need uniform codes throughout the state.

316 GARY WRIGHT: Testifying on SB 35.

320 GORDON FULTZ: Testifying on SB 35.

350 SEN. LEONARD: So is everyone unhappy with the bill at this point?

364 SEN. MCCOY: You are not going to get any more time to fully get into this bill on the house side.

390 JANE CUMMINS: Testifying on SB 35.

430 JANE CUMMINS: Discussing the section that requires municipalities to submit a plan.

445 BLAINE BRASSFIELD: Testifying on SB 35

470 JERRY MCKEE: City of Hillsboro, testifying on SB 35.

MOTION: SEN. LEONARD moves that SB 35 be TABLED.

VOTE: 2-3

AYE: McCoy, Leonard

NO: Bryant, Kintigh, Derfler

TAPE 163, B

040 CHAIR DERFLER: The motion to table fails.

MOTION: SEN. BRYANT moves that the SB 35 - 10 AMENDMENTS AS LINEATED on page 4 be ACCEPTED by the Committee.

VOTE: 3-2

AYE: Bryant, Kintigh, Derfler

NO: McCoy, Leonard

050 SEN. MCCOY: For the record, I do not believe in passing bad bills to another body.

MOTION: SEN. BRYANT moves SB 35 AS AMENDED to the Senate floor with a DO PASS recommendation.

VOTE: 3-2

AYE: Bryant, Kintigh, Derfler

NO: McCoy, Leonard
SEN. DERFLER will carry the bill.

065 CHAIR DERFLER: Closing WORK SESSION on SB 35.
067 CHAIR DERFLER: Opening PUBLIC HEARING on HB 2110.
070 DONNA HUNTER: Employment Dept., testifying on HB 2110 (EXHIBIT G).
110 CHAIR DERFLER: Calling a recess 11:40 AM.
112 CHAIR DERFLER: Resumes hearing. in Hearing D 6:00 PM.
114 DONNA HUNTER: Continues testimony on HB 2110.
150 DONNA HUNTER: Discusses the table schedule used currently and the table
that would be put into place with the passage of this measure.
191 DONNA HUNTER: Discusses the diversion schedule.
215 DONNA HUNTER: Speaks to what the trust funds monies can be used for.
225 CHAIR DERFLER: Closes PUBLIC HEARING on 2110.
228 CHAIR DERFLER: Opens WORK SESSION on HB 2110.
230 motion: sen. KINTIGH: Moves HB 2110 to the floor with a DO PASS
recommendation.

VOTE: 5-0. MOTION PASSES
AYE: DERFLER, BRYANT, KINTIGH, LEONARD, MCCOY
NO: NONE

238 CHAIR DERFLER: Opens PUBLIC HEARING on HB 3180.
242 JONATHAN ATER: Chair of the State Commission on Children and families.
290 JONATHAN ATER: Describes what the measure covers.
363 JONATHAN ATER: Discusses the proposed amendments.
401 JONATHAN ATER: Discusses changes to the nominating process for
commissioners.

TAPE 164, A

014 SEN. BRYANT: Comments on the importance of the commission's input.
030 RANDY FRANKE: Marion County Commissioner. Discusses the changes in
providing children's services at more of a local level.[EXHIBIT H]
075 RANDY FRANKE: Points out that the judicial changes may take longer to
complete, due to the need for precision and depth.
105 CATHY GARLAND: Director of Marion County Children and Family
Commission. Discusses first chart in EXHIBIT H.
145 CATHY GARLAND: Continues discussing the flow of services using chart in

EXHIBIT H.

180 CATHY GARLAND: Discusses contracting out services for families.

230 CATHY GARLAND: Speaks about the second chart in EXHIBIT H and the suggestions from the county.

270 CATHY GARLAND: The local plan should drive the system.

315 CATHY GARLAND: Speaks to the final decision maker in the case of a child.

325 JACK ROBERTS: Speaking as a member of a local Children and Families Commission.

370 JACK ROBERTS: Speaks to the writings by Sen. Mark Hatfield regarding bureaucracy.

430 RANDY FRANKE: Discusses the possibility of overload to volunteer commissions.

TAPE 165, A

029 RANDY FRANKE: Discusses who is able to make the final decision in child abuse cases.

063 MARY REGETH: Founder of Grandparents for Family Justice. Discusses her experience with the Children's Services Division. [EXHIBIT I]

110 MARY REGETH: Discusses her experience with Children's Services Division.

140 CAROL SEATON: Discusses her criticism of CSD. [EXHIBIT T]

175 CAROL SEATON: Discusses the lack of skills and services provided by CSD.

220 FLORENCE BROWN: Discusses her experience with children and the services provided to children. [EXHIBIT J]

265 FLORENCE BROWN: Discusses a case where a child was taken from her natural mother.

340 FLORENCE BROWN: We want to stop the kidnapping, assault and abuse by CSD.

375 SEN. LEONARD: Ask that the witnesses sign forms to release information from CSD.

TAPE 164, B

016 NANCY MILLER: State Court Administrators. Discusses the court process and the changes that would occur with this measure.

035 NANCY MILLER: Discusses the Family Group Coordinator.

045 ANGELA SHERBO: Discusses the bill relating to the handling of cases

where abuse is confirmed. [EXHIBIT K]

080 ANGELA SHERBO: Speaks to the deletion of "threatened harm" as a definition of abuse.

110 ANGELA SHERBO: Discusses the transfer of duties, services and functions.

150 ANGELA SHERBO: Discusses "foster care grid".

200 JOHN LOWE: Circuit Court Judge. Discusses the legal questions that are raised by this measure and its amendments.

230 NAN WALLER: Multnomah Commission on Children and Families. Discusses the intent of the bill.

275 NAN WALLER: Discusses the relationship between the court and the local planning commission.

310 NANCY MILLER: The point is that some of the legal issues are moving targets.

360 SANDRA SYKES: Urges committee to pass HB 3180.

400 SANDRA SYKES: Continues discussion of the need for children to be placed with family members.

TAPE 165, B

012 SANDRA SYKES: Discusses her case involving her step daughter and CSD.

050 SANDRA SYKES: Completes her testimony on her case with CSD.

080 BETTY UCHYTIL: Representing Children's Services Division. Discusses the need to see both perspectives in the cases handled by CSD.

105 BETTY UCHYTIL: Discusses the foster care program.

125 BETTY UCHYTIL: Discusses cases where grandparents have a difficult time believing the extent of abuse caused by their children.

145 JIM LONG: Discusses the concerns that the local commission has with the current draft language of the bill.[EXHIBIT L]

200 JIM LONG: Discusses the conflicts in roles of the participants in the system plan.

245 JIM LONG: Discusses the access of children with disabilities, not abused, into the system under this measure.

300 JIM LONG: Asks about the fiscal impact of this bill to the local levels.

312 ED ALLEN: Court Appointed Special Advocate(CASA). Discusses his relation to children's services.[EXHIBIT M]

370 ED ALLEN: Discusses a specific case and what the CASA does in making a

recommendation.

TAPE 166, A

012 ED ALLEN: Discusses the difficulties children face when left in the system for years.

033 BILL HORDON: Speaking as a CASA. Discusses his involvement in providing children's services. [EXHIBIT N]

085 BILL HORDON: Discusses how the services could be provided using HB 3180.

130 BILL HORDON: Continues testimony following EXHIBIT N.

178 DENNIS GOECK: County Commissioner, discusses the development of their local commission on Children and Families.

215 DENNIS GOECK: Discusses the funding of administration for these responsibilities.

245 CAROLYN KOHN: Coalition for Kids. [EXHIBIT O]

290 CAROLYN KOHN: Discusses her input as a member on the State Commission on Children and Families.

320 JILLIAN NICHOLIDUS: Speaks to the problems that her county is experiencing with the current programs.

350 PEGGY TIMMS: Citizen Volunteer, discussing the local members of the community involved in providing children's services.

TAPE 167, A

005 PEGGY TIMMS: Speaks to her experience with the CSD workers in her community.

020 DOROTHY MEAD: Preservation of Family and Kinship. [EXHIBIT P]

075 DOROTHY MEAD: Continues testimony, describing the need for time frames within the investigation process of child abuse cases.

125 DOROTHY MEAD: Discusses the conflict of interest in cases.

136 MARSHA EVERETT: Discusses the court proceedings in child abuse cases. [EXHIBIT Q]

180 MARSHA EVERETT: Discusses the intent of HB 3180.

220 MARSHA EVERETT: Talks about her son's case with CSD.

265 MARSHA EVERETT: Expresses her concerns with what the bill does for families.

290 MURIEL GOLDMAN: Representing Children First for Oregon. [EXHIBIT R]

345 MURIEL GOLDMAN: Speaks to the vision of 2004.

380 MURIEL GOLDMAN: Discusses appointments and the Commission on Children and Families.

TAPE 166, B

013 MURIEL GOLDMAN: Discusses the providing of mental health services to children.

045 LAURIE CARTER: Testifying on the delivery of services.[EXHIBIT S]

080 LAURIE CARTER: Continues testimony related to volunteers in the community.

100 INDIRA SAMPSON: Vice-president American Indian Association. Discusses the Indian Children's Welfare program.

140 INDIRA SAMPSON: Discusses how the ICW works with CSD.

175 CHAIR DERFLER: Adjourns meeting.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas
Committee Assistant Committee Counsel

Amy Baker
Committee Assistant

EXHIBIT SUMMARY:

A - Testimony on SB 464 - Jack Roberts, BOLI - 2 pages
B - Testimony on SB 464 - Jack Roberts, BOLI - 1 page
C - Testimony on SB 464 - Vicki Totton, OSB A - 7 pages
D - Testimony on SB 464 - Laurie Wimmer, Commission for Women - 13 pages
E - Testimony on SB 464 - Amy Klare, AFL-CIO - 2 pages
F - Testimony on SB 464 - Bonnie Heitsch, Commission on Child Care - 18 pages
G - Testimony on HB 2110 - Donna Hunter, Employment Department - 6 pages
H - Testimony on HB 3180 - Randy Franke, Marion County - 6 pages
I - Testimony on HB 3180 - Mary Regeth - 3 pages
J - Testimony on HB 3180 - Florence Brown, - 14 pages
K - Testimony on HB 3180 - Angela Sherbo, Juvenile Rights Project - 9 pages
L - Testimony on HB 3180 - Jim Long, Wash. Co. Com. on Children & Families - 3 pages
M - Testimony on HB 3180 - Ed Allen, Court Appointed Special Advocates - 3 pages
N - Testimony on HB 3180 - Bill Horden, Court Appointed Special Advocates - 19 pages
O - Testimony on HB 3180 - Carolyn Kohn, Coalition for Kids - 3 pages
P - Testimony on HB 3180 - Dorothy Mead - 5 pages
Q - Testimony on HB 3180 - Marsha Everett, Preservation of Family & Kinship Care - 23 pages
R - Testimony on HB 3180 - Muriel Goldman, Children First for Oregon - 2 pages
S - Testimony on HB 3180 - Laurie Carter, Marion County Citizens Review

Board - 2 pages

T - Testimony on HB 3180 - Carol Seaton - 7 pages