

HOUSE COMMITTEE ON COMMERCE SUBCOMMITTEE ON LABOR

February 5, 1993 Hearing Room D 8:30 a.m. Tapes 21 - 23

MEMBERS PRESENT: Rep. John Watt, Chair Rep. Lee Beyer Rep. Michael Payne Rep. Charles Starr Rep. Bob Tiernan

STAFF PRESENT: Marilyn Johnston, Committee Administrator Rick Gaupo, Committee Clerk

MEASURES CONSIDERED: HB 2520 - PH

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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. [--- Unable To Translate Graphic ---]

TAPE 21, SIDE A

008 Chair Watt calls the meeting to order at 8:30 a.m. and opens the PH on HB 2520

HB 2520 - Disqualifies from receipt of unemployment compensation individuals who violate qualified employer safety programs including drug-free workplace provisions (Tape 21, Side A - Tape 23, Side A)

WITNESSES: - Richard Goheen, Director of the Halton Company and Chairman of the Board of Citizens For A Drug Free Oregon Rosanna Creighton, Citizens for a Drug Free Oregon Sandra Hansberger, Lewis and Clark Legal Clinic Ed Redman, Risk Manager for WTD Industries Karl Fredrick, Vice President and Director of Legislation for Associated Oregon Industries Major Dean Renfrow, Criminal Division Director for the State of Oregon Curt Charley, Baugh Construction Irvin Fletcher, President, OFC-CIO Diane Rosenlain, Oregon Industrial Union Council, Christine Chute, Employment Division Pamela Mattson, Administrator, Employment Division Jeff Howard, Detective Rep. Mannix

014 Administrator Johnston summarizes staff measure summary - (Exhibit A)

020 Rosanna Creighton, Citizens for a Drug Free Oregon, reads Senator Phillip's prepared testimony - (Exhibit B) 080 Rosanna Creighton reviews prepared testimony - (Exhibit C) 130 > Rep. Payne and Rosanna Creighton discuss the mechanics of drug free testing. Rep. Tiernan describes Oregon's drug testing procedures 168 > Rep. Starr and Rosanna Creighton discuss how a small employer would implement the requirements of this HB 2520

199 Richard Goheen, Director of the Halton Company and Chairman of the Board of Citizens For A Drug Free Oregon, reviews prepared testimony - (Exhibit D)

320 Karl Fredrick, Vice President and Director of Legislation for Associated Oregon Industries, reviews prepared testimony - (Exhibit E)

360 Ed Redman, Risk Manager for WTD Industries, reviews prepared

testimony - (Exhibit F)

TAPE 22, SIDE A

Ed Redman continues reviewing prepared testimony 068 > Recommends amendments - Page 2, Section 8, Subsection (a) regarding drug testing 078 > Rep. Tiernan and Ed Redman discuss gaps in the bills > Refusal of drug test > Issue of alcohol 013 3 > Rep. Payne and Ed Redman discuss the issue of an innocent person being denied benefits 172 > Rep. Tiernan describes how accurate drug tests are

210 Major Dean Renfrow, Criminal Division Director for the State of Oregon, reviews prepared testimony - (Exhibit G) 281 > Rep. Payne and Major Dean Renfrow discuss how this bill does prevent drug use on the job 325 > Rep. Starr asks that alcohol also be defined as a drug 342 > Chair Watt and Major Dean Renfrow discuss the penalties of under the influence of drugs on transportation related work

422 Rep. Payne and Detective Jeff Howard discuss the case of those who oppose drug testing on principal

TAPE 21, SIDE B

030 Rep. Mannix gives testimony in support of HB 2520 > The goal is to have a safe work place > Discussion with Rep. Payne on privacy concern > This bill is neutral on privacy subject > Mandatory testing is not sectioned, it is a contractual issue

Rep. Mannix continues discussion in support of HB 2520 167 > Discussion with Rep. Tiernan > Page 3, c,d and f - indicates second chance > Safety program, Section 1 (a) 250 > Possession of drugs > Rosanna Creighton states that HB 2520 allows the employers to set up different requirements for the safety program

310 Sandra HanSB erger, Lewis and Clark Legal Clinic, reviews prepared testimony - (Exhibit H)

TAPE 22, SIDE B

Sandra HanSB erger continues prepared testimony 023 > Discussion with Rep. Starr on current practices with employers and employees in violation of drug misconduct > Discussion with Rep. Tiernan on definition of "use of controlled substance on the job." Employers must show how drug misconduct affected the work of the employee 130 > Discussion with Chair Watt on how an employer should would show impairment on the job. 170 > Discussion with Rep. Payne on refusal to take a drug test and how that would affect firing for misconduct 210 > Discussion with Rep. Tiernan about the problems of testing after the effect

247 J. D. Hutchinson > Rehab > Recreational drug use > Protect employers who have a drug testing program the same way as those who have a safety program

339 Curt Charley, Baugh Construction, describes his company's drug testing policies. Gives examples at is work place > Needs the threat of lack of unemployment benefits to get employee in rehab

TAPE 23, SIDE A

015 Irvin Fletcher, Oregon AFL-CIO, President, reviews prepared testimony - (Exhibit I) > Supports the intent of the bill with amendments

070 Diane Rosenlain, Oregon Industrial Union Council, gives testimony. The current law covers what we need > Discussion with Rep. Payne with the vagueness of the language

157 Pamela Mattson, Administrator, Employment Division

197 Christine Chute, Employment Division, reviews prepared testimony - (Exhibit J) > Discussion with Rep. Payne about HB 2520 being out of compliance with federal law > Discussion with Administrator Johnston about receiving a federal waiver

257 Chair Watt closes the PH on HB 2520 and adjourns the meeting at 10:40 a.m.

Submitted by

Reviewed by

Rick Gaupo
Committee Administrator

Marilyn Johnston Committee Clerk

EXHIBIT LOG: A - HB 2520 Staff B - HB 2520 Senator Phillips C -
HB 2520 Rosanna Creighton D - HB 2520 Richard Goheen E - HB 2520
Karl Fredrick F - HB 2520 Ed Redman G - HB 2520 Major Dean Renfrow
H - HB 2520 Sandra Hansberger I - HB 2520 Irvin Fletcher J - HB
2520 Pamela Mattson