

HOUSE COMMITTEE ON COMMERCE SUBCOMMITTEE ON LABOR

April 21, 1993 Hearing Room D 8:30 a.m. Tapes 92 - 94

MEMBERS PRESENT: Rep. John Watt, Chair

Rep. Lee Beyer Rep. Michael Payne

Rep. Charles Starr

Rep. Bob Tiernan

STAFF PRESENT: Marilyn Johnston, Committee Administrator Kimberly Burt,
Committee Assistant

MEASURES CONSIDERED: HB 2009 HB 2879 HB 2414 HB 2012

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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 92, SIDE A

CHAIR WATT: Calls the meeting to order. (8:35 a.m.)

PUBLIC HEARING ON HB 2009

CHAIR WATT: If there is no one wishing to testify, we will close the public hearing.

WORK SESSION ON HB 2009

010 MARILYN JOHNSTON, COMMITTEE ADMINISTRATOR: Describes HB 2009, submits preliminary staff measure summary, fiscal and revenue impact statement, (EXHIBIT A).

017 MOTION: REP. TIERNAN MOVES THAT HB 2009 BE SENT TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

REP. BEYER: I will be voting no on this.

026 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS VOTING NO: PAYNE & BEYER CARRIER: WATT

PUBLIC HEARING ON HB 2879

CHAIR WATT: If there is no one to testify we will close the public hearing.

WORK SESSION ON HB 2879

035 MARILYN JOHNSTON, COMMITTEE ADMINISTRATOR: Describes HB 2879, submits preliminary staff measure summary, (-1) amendments, hand

engrossed version, fiscal impact and revenue impact statement,
(EXHIBIT B).

082 MOTION: REP. TIERNAN MOVES THAT THE (-1) AMENDMENTS TO HB
2879 BE ADOPTED.

097 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES
UNANIMOUSLY.

100 MOTION: REP. TIERNAN MOVES THAT HB 2879, AS AMENDED, BE SENT
TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

REP. PAYNE: States opposition.

110 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS
VOTING NO: PAYNE CARRIER: TIERNAN

PUBLIC HEARING ON HB 2414

CHAIR WATT: If there is no one to testify, we will close the public
hearing.

WORK SESSION ON HB 2414 Witnesses: Rep. Johnson, House District 51
Virlena Crosley, Assistant Administrator, Employment Division Sharon
Kidder, Assistant Administrator, Employment Division Donna Hunter, Tax
Manager, Employment Division Frank Brawner, Oregon Bankers' Association
Marilyn Coffel, Bureau of Labor and Industries, (BOLI) Paul Tiffany,
Administrator, Bureau of Labor and Industries, (BOLI)

116 MARILYN JOHNSTON, COMMITTEE ADMINISTRATOR: Describes HB 2414,
submits (-3) amendments, hand engrossed version and preliminary staff
measure summary, (EXHIBIT C).

131 REP. JOHNSON, HOUSE DISTRICT 51: The (-3) amendments are
intended to facilitate the transfer.

195 CHAIR WATT: Investigations of claims will remain with the Bureau
of Labor and Industries, (BOLI)?

REP. JOHNSON: That will transfer to the Employment Division as part of
their function; they have staff doing other forms of investigations
currently.

_ We need to have a subsequent referral to the appropriate
appropriations committee.

220 REP. BEYER: There were questions raised about the
Employment Divisions ability to do this and also some changes in
how quickly a claim would be paid, and related to that was the
investigative portion; have we addressed those issues?

REP. JOHNSON: I don't think those claims are valid.

240 VIRLENA CROSLY, ASSISTANT ADMINISTRATOR, EMPLOYMENT
DIVISION: We have no experience, but we would try to do this in the
same standard as the federal government requires us to do for
unemployment checks.

CROSLY: In response to Rep. Beyer; we will have to go through the
state treasurers office; if that is a big factor, it will affect us

too.

277 CHAIR WATT: There were concerns about investigations being complete before checks are cut; is it your thought that you would complete investigations?

CROSLEY: I think I heard that there was concern about getting the checks out to those that deserve them, but we talked about speeding up investigations.

_ We would try to get checks out as fast as we could; the less investigation the more chance of error.

333 SHARON KIDDER, ASSISTANT ADMINISTRATOR, EMPLOYMENT DIVISION: Our record for timely payments is 92%, meaning that first payments are made within fourteen days.

_ The investigation process would be similar; we would have access to information from our records.

REP. BEYER: What is the success rate in recovering claims when the unemployment taxes haven't been paid?

381 DONNA HUNTER, TAX MANAGER, EMPLOYMENT DIVISION: We can use warrants and garnishments through the bankruptcy laws.

CHAIR WATT: Do you advocate putting liens on real and personal property?

HUNTER: Yes.

448 CHAIR WATT: In response to Rep. Beyer; the Treasurer is responsible for the oversight of those funds and the Executive Department is working to allow electronic transfers and I'm not sure we should take away responsibilities that are with the treasury.

REP. BEYER: Efficiency of administration and getting the checks out quicker was the intent; my concern is that they don't know if they can get them out quicker when they get to the treasury.

REP. JOHNSON: We could we prepare amendments to authorize that.

TAPE 93, SIDE A

050 CROSLEY: If you'd like us to work on amendments we would be willing to do that.

CHAIR WATT: On the (-3), on page 3, line 14, it adds "real and personal property"; is that something the mortgage holders could find problems with?

FRANK BRAWNER, OREGON BANKERS' ASSOCIATION: If there was notice, we would have no problem; if there is an existing mortgage, this wouldn't have priority.

_ Our desire would be that existing mortgages aren't superseded and that notice be give to mortgage holders.

REP. BEYER: How does this change other laws that BOLI administers?

120 MARILYN COFFEL, BUREAU OF LABOR AND INDUSTRIES: When you remove the criteria then the wage security fund is thrown in with the whole pot of wage claims.

_ We have about 3500 wage claims and about 700 wage and security fund claims; there will be a lot more claims against the fund and it is doubtful that it could pay out what was needed.

PAUL TIFFANY, ADMINISTRATOR, BUREAU OF LABOR AND INDUSTRIES: Describes statutes through which BOLI gets wage claims; describes types of wage claims.

TIFFANY: Describes process for collecting wage claims.

280 REP. TIERNAN: There is a big difference between what BOLI does and what we are dealing with; I see two different responsibilities that can be separated out.

CHAIR WATT: Clarifying for Rep. Beyer, reads from page three of the bill regarding unpaid wages.

REP. BEYER: My concern is how to determine what is a legitimate claim.

353 CHAIR WATT: If there is a dispute regarding overtime pay, how do you pursue that?

TIFFANY: Through the wage security fund.

410 REP. JOHNSON: I asked the Employment Division if they could manage the program, and was told they could.

_ I am willing to get answers to Rep. Beyers' questions; I will take the time to do that.

TAPE 92, SIDE B

045 MOTION: REP. TIERNAN MOVES THAT THE (-3) AMENDMENTS TO HB 2414 BE ADOPTED.

REP. PAYNE: I'm supportive of repealing the expiration date, but I would like to see two measures, separating the issues involved.

REP. BEYER: I will support the amendments, but will do work before the bill comes back.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS VOTING NO: PAYNE

PUBLIC HEARING ON HB 2012 Witnesses: Vicki Totten, Oregon School Boards Association Art James, Executive Department, State of Oregon Maria Keltner, Local Government Personnel Institute, League of Oregon Cities and Association of Oregon Counties Rep. Eldon Johnson, House District 51 Mary Botkin, American Federation of State, County and Municipal Employees Mary Anne Gest, Oregon Public Employees Union Don Satchell, Oregon Education Association Ed Edwards, Oregon School Employees Association

075 VICKIE TOTTEN, OREGON SCHOOL BOARDS ASSOCIATION: Our

membership is split on supporting the bill as it has different impacts on schools, depending on the size.

_ Describes collective bargaining unit contract negotiations, explaining that employers are barred from negotiations.

122 REP. TIERNAN: If a union communicates with the employee it is not unfair? TOTTEN: Not to my knowledge; if the barr was removed, it would depend on the relationship between those at the bargaining table and those in the bargaining unit.

165 REP. TIERNAN: Do employers have an effective way to deny or clarify the proposals made?

TOTTEN: No; currently it is common to agree to ground rules at the beginning of negotiations.

_ The open meetings law would create open communication with the press; if the open meetings law is involved, the barr should be maintained.

230 TOTTEN: If the negotiations were open to the public, the offers would probably be much more reasonable from the beginning.

_ I am supportive of this bill, with reservations.

250 TOTTEN: An amendment would be to have this open to the public at the boards option.

REP. PAYNE: Would you be opposed to an amendment saying the public "shall" be allowed?

TOTTEN: Yes; things that have to do with individual employees ought not be held in a public hearing.

365 ART JAMES, STATE OF OREGON EXECUTIVE DEPARTMENT: The department isn't supportive of opening negotiations to the public meetings law; in practice, the public isn't interested in attending and often you have the bargaining unit members packing the sessions.

CHAIR WATT: There are concerns when the public reads that the state is up against budget difficulties and then they read that teachers, for example, are getting pay increases.

JAMES: The amount of time spent in negotiations on the economics is small; I don't think it is a situation where the public would attend.

TAPE 93, SIDE B

050 REP. BEYER: Would this remove the posturing or open the door to grandstanding?

JAMES: I believe it would be the latter.

REP. TIERNAN: What is the most people you've had in the room on the opposite side?

JAMES: We negotiate ground rules, including how many people the employer will allow off work, paid, to negotiate.

145 REP. TIERNAN: Would it be easier to speak to a larger group, speaking to the public, giving reasons why decisions are made?

JAMES: That isn't addressed by this bill, it is under the Fair Labor Practices Act.

185 REP. PAYNE: Some members of the bargaining unit aren't allowed in the meetings?

JAMES: Currently if either side asks for an executive session, the meeting is closed; the bill would delete that option.

REP. BEYER: This would open this to the press; what will that do to negotiations?

240 MARIA KELTNER, LOCAL GOVERNMENT PERSONNEL INSTITUTE, LEAGUE OF OREGON CITIES AND ASSOCIATION OF OREGON COUNTIES: County and City labor negotiators feel that it would increase posturing on both sides and that negotiators would "play" to the audience.

_ Usually when the public is interested it is over a single topic many times those topics are heard at several meetings and the concern is that the public would only get a piece of the picture unless they attend all meetings.

300 REP. BEYER: Are you aware of other states with open negotiations?

JAMES: I can do research for you.

310 REP. JOHNSON, HOUSE DISTRICT 51: I believe it is time to open the negotiations; the public doesn't have any idea what is going on until the bills are made.

_ The public needs to know what is happening with their money; the purpose of the bill is to put some sunshine on this issue.

420 MARY BOTKIN, AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES: I'm very concerned having the press anywhere near the bargaining process.

TAPE 94, SIDE A

045 BOTKIN: There are people who enjoy headlines; bargaining is not exciting, it is tedious, and I can't figure out what we would accomplish by opening this.

REP. PAYNE: If we opened the negotiations I would think that those who would turn out is those whose livelihoods are at stake.

110 MARY ANNE GEST, OREGON PUBLIC EMPLOYEES UNION, (OPEU): We do have the concern that we don't want to be restricted from bargaining due to the notice provision.

129 DON SATCHELL, OREGON EDUCATION ASSOCIATION: Testifies in opposition to HB 2012.

_ This will prolong the process and result in both sides playing for the audience some.

180 ED EDWARDS, OREGON SCHOOL EMPLOYEES ASSOCIATION: Testifies in opposition.

_ The openness can be done by mutual agreement; I don't think we need this bill.

CHAIR WATT: The Oregonian on the 20th of February did print an editorial asking that negotiations be opened up and they aren't here today.

205 CHAIR WATT: Being no further business to come before the committee we are adjourned. (10:40 a.m.)

Submitted by

Reviewed by

Kimberly Burt
Assistant

Marilyn Johnston Committee
Committee Administrator

EXHIBIT SUMMARY:

A - HB 2009: Preliminary staff measure summary, fiscal and revenue impact statement submitted by staff, pp 3 B - HB 2879: Preliminary staff measure summary, (-1) amendments, hand engrossed version, fiscal and revenue impact statements submitted by staff, pp 9 C - HB 2414: Preliminary staff measure summary, (-1), (-2), (-3) amendments with hand engrossed version submitted by staff, pp 17 D - HB 2012: Preliminary staff measure summary, fiscal and revenue impact statements submitted by staff, pp 2