

HOUSE COMMITTEE ON COMMERCE SUBCOMMITTEE ON LABOR

May 26, 1993 Hearing Room D 8:30 a.m. Tapes 123 - 124

MEMBERS PRESENT: Rep. John Watt, Chair

Rep. Lee Beyer

Rep. Charles Starr

Rep. Bob Tiernan

MEMBER EXCUSED: Rep. Michael Payne

STAFF PRESENT: Marilyn Johnston, Committee Administrator
Kristina McNitt, Committee Assistant

MEASURES CONSIDERED: HB 2012 HB 3643 SB 428 SB 436

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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 123, SIDE A

Witnesses: John Danielson, Oregon Education Association
Vicki Totte, Oregon School Boards Association
Marie Keltner, League of Oregon Cities,
Association of Oregon Counties

CHAIR WATT calls the meeting to order at 8:39 a.m. and opens a work session on HB 2012.

HB 2012 - PUBLIC HEARING

The Preliminary Staff Measure Summary, HB 2012-1 amendments, electronically-engrossed HB 2012-1, HB 2012-2 amendments and electronically-engrossed HB 2012-2 and Legislative Fiscal and Revenue statements are hereby made a part of these minutes (EXHIBIT A).

006 MARILYN JOHNSTON, Administrator, informs the committee there are two sets of proposed amendments to the bill. The HB 2012-1 amendments would eliminate the communication bar for school districts and ESDs; the HB 2012-2 amendments would eliminate the communication bar entirely during all negotiations.

013 REP. BEYER asks for confirmation that taking away the communications bar, would mean that either side could talk directly on any issue at any time during the process.

MS. JOHNSTON confirms that is true.

015 REP. BEYER comments that would mean that every employee could, for instance, call a city councilor every night; conversely, management could send out a letter containing the proposal and saying the employee negotiators are ridiculous in what they are asking for.

021 REP. TIERNAN comments that the employees can express their interest, but they cannot bargain.

031 JOHN DANIELSON, Oregon Education Association, testifies in opposition to HB 2012 and the proposed amendments. >it is important to have flexibility and the ability to probe in bargaining >misunderstandings occur in public sessions; it is important that the process be as orderly as possible to avoid misunderstandings >if there were a guarantee from the press that they would cover adequately every meeting and report thoroughly, the situation might be different >does not believe public interest is served by opening the meetings >believes current law has worked well

104 Mr. Danielson and members discuss bargaining processes by school boards.

164 VICKI TOTTEN, Oregon School Boards Association rebuts Mr. Danielson's testimony, supports HB 2012 and its amendments and cites school reform measures and conflicts with collective bargaining.

255 REP. BEYER suggests the problem is labor-management conflicts rights, not site councils and school reforms.

274 MS. TOTTEN agrees with Rep. Beyer that this issue is a peek into the door of an on-going discussion about site counsels' authority and parameters.

298 MARIA KELTNER, Association of Oregon Counties and League of Oregon Cities, testifies about general concerns of original bill and the HB 2012-2 amendments. >information could be misleading if people don't attend all bargaining sessions >there are problems where the union is communicating to their employees different proposals than what management has presented at the table. >if bar were lifted where employers and employees could communicate the content of proposals that have been formally presented to the designated representative at the bargaining table, communication problems could be prevented and there would be a level playing field.

362 CHAIR WATT closes the public hearing on HB 2012 and as a courtesy to Rep. Payne, defers going into a work session.

347 REP. TIERNAN notes for the record: "On open communication, this is sorely needed. HB 2717 creates a two-tier system. Everyone has been receiving letters from teachers saying HB 2717 is a 10 percent reduction in their PERS, or retirement, or wages. HB 2717 only deals with future employees. But this kind of information gets out in bargaining and they twist it. So if wrong information gets out, this would allow the employer to correct or explain their proposal. That is why I think it is needed and that is why I think it is fair."

371 CHAIR WATT requests Rep. Tiernan to provide copies of information he has received it so the committee can narrow it down to where it is coming from and stop it.

(Tape 123, Side A) HB 3643 - PUBLIC HEARING

Witnesses: Dan Ellis, OR Employment Relations Board Nancy Brown, State Conciliator, OR Employment Relations Board John Danielson, Oregon Education Association Vicki Totten, Oregon School Boards Association Marie Keltner, League of Oregon Cities and Association of Oregon Counties Mary Botkin, AFSCME

385 CHAIR WATT opens a public hearing on HB 3643.

The Preliminary Staff Measure Summary and Legislative Fiscal and Revenue statements are hereby made a part of these minutes (EXHIBIT B).

388 MS. JOHNSTON reviews the provisions of HB 3643 and reminds the committee there was a previous hearing on the bill.

395 CHAIR WATT: The Chair of the Appropriations Committee has said it is his intention to proceed with the budget for the Employment Relations Board as written with the five mediators. I have asked him to hold the budget until after this hearing. Based on the information we have received, if it goes through with five mediators, it would be the choice of the chair of the Employment Relations Board to call in mediation meetings from a distance. Hopefully we can talk about the options that are available to the committee and bear in mind the considerations of bringing people into Salem. Mr. Ellis was asked to provide information requested at our last hearing and he is here today.

TAPE 124, SIDE A

010 DANIEL ELLIS, Chair, Oregon Employment Relations Board, testifies in favor of HB 3643 and gives an historical perspective summarized in written testimony (EXHIBIT C).

102 REP. TIERNAN: My suggestion is to make a good proposal better. \$500 per day would recover more money, add incentive to settle, and be a better bill.

114 MR. ELLIS: Some small bargaining units could not afford \$300 or \$500 per day. Certainly it is an incentive, but it could result in their seeking to have a minimum amount of mediation and strike, or they wouldn't be able to undergo mediation.

130 REP. TIERNAN discusses flat vs. discretionary fee rates for mediation services.

154 NANCY BROWN, State Conciliator, Employment Relations Board: If you do not charge a set fee for a mediation request, it is going to be very difficult for the union and employer to have any predictability of the costs of bargaining.

190 REP. BEYER: What is your average hourly rate per mediator?

191 MR. ELLIS I can't answer that. The biennial salary of a mediator at Step IV, including OPE, etc. is about \$115,000.

202 REP. BEYER: That's about \$55 per hour. We're not getting close to recovering costs.

204 JOHN DANIELSON, Oregon Education Association, testifies in favor of HB 3643. >have talked about this with management people in OEA and it

is their belief to work this out would be OEA's problem. >the fee is reasonable; the need is there >OEA believes additional mediator is necessary >Ballot #5 has caused a difficult bargaining situation for the next couple of years; there will be a strong need for mediators >ERB is not broken, has done an outstanding job for a sustained period of time, the caseload is enormous, they have done a good job in an expeditious fashion, and is very inexpensive.

241 VICKI TOTTEN, Oregon School Boards Association, speaks in support of HB 3643 as written, especially the flat fee. Because of school mergers and school reform, there will be more mid-term bargaining and the need for mediators will be increasing. OSB A believes the current structure is why there have only been 17 strikes in 20 years.

275 MARIA KELTNER, League of Oregon Cities and Association of Oregon Counties: Both groups support HB 3643 as written.

285 MARY BOTKIN, AFSCME: We support the idea of the flat fee. We agree it would be cheaper to pay a fee than it would be to transport bargaining teams across the state.

298 CHAIR WATT closes the public hearing and opens a work session on HB 3643.

(Tape 124, Side A) HB 3643 - WORK SESSION

312 MOTION: REP. TIERNAN moves that HB 3643 be sent to the Full Commerce Committee with a DO PASS recommendation.

318 VOTE: In a roll call vote, all members present vote AYE. REP. PAYNE is EXCUSED.

323 CHAIR WATT declares the motion PASSED. REP. STARR will lead discussion in Full Committee.

327 CHAIR WATT opens a work session on SB 428.

(Tape 124, Side A) SB 428 - WORK SESSION

The Preliminary Staff Measure Summary, SB 428-A3 amendments, electronically-engrossed SB 428-A3 and Legislative Fiscal statement are hereby made a part of these minutes (EXHIBIT D).

328 MS. JOHNSTON reviews the provisions of SB 428 A, reminds the committee one hearing was held and there are proposed amendments submitted by the proponents of the bill.

345 MOTION: REP. BEYER moves that the SB 428-A3 amendments BE ADOPTED.

351 VOTE: In a roll call vote, all members present vote AYE. REP. PAYNE is EXCUSED.

354 CHAIR WATT declares the motion PASSED.

357 MOTION: REP. BEYER moves that SB 428 A, as amended, be sent to the Full Commerce Committee with a DO PASS recommendation.

363 VOTE: In a roll call vote, all members present vote AYE.
REP. PAYNE is EXCUSED.

368 CHAIR WATT declares the motion PASSED. REP. PAYNE will lead
discussion in Full Committee.

(Tape 124, Side A) (SB 436 - WORK SESSION)

376 CHAIR WATT opens a work session on SB 436.

The Preliminary Staff Measure Summary, SB 436-1 amendments,
electronically-engrossed SB 436-1 and Legislative Fiscal and Revenue
statements are hereby made a part of these minutes (EXHIBIT E).

380 MS. JOHNSTON reviews the provisions of the bill and SB 436-1
amendments proposed by the OSB A.

390 REP. TIERNAN comments that he sees no necessity for the emergency
clause on the bill.

400 JOHN DANIELSON, Oregon Education Association: The OEA has no
objection to the SB 436-1 amendment. There was no particular reason for
the emergency clause and would have no objection to removing it.

414 MOTION: REP. TIERNAN moves that SB 436 be amended by
eliminating Section 2 on page 3 of the printed bill and the adoption of
the SB 436-1 amendments.

433 VOTE: In a roll call vote, all members present vote AYE.
REP. PAYNE is EXCUSED.

438 CHAIR WATT declares the motion PASSED.

439 MOTION: REP. BEYER moves that SB 436, as amended, be
sent to the Full Commerce Committee with a DO PASS recommendation. 443

VOTE: In a roll call vote, all members present vote AYE. REP.
PAYNE is EXCUSED.

453 CHAIR WATT declares the motion PASSED. REP. BEYER will lead
discussion in Full Committee.

457 CHAIR WATT declares the meeting adjourned.

Respectfully submitted, Reviewed by,

Annetta Mullins

Marilyn Johnston Coordinator
Administrator

EXHIBIT SUMMARY

A - HB 2012, Preliminary Staff Measure Summary, HB 2012-1 amendments,
electronically-engrossed HB 2012-1, HB 2012-2 amendments and
electronically-engrossed HB 2012-2 and Legislative Fiscal and Revenue
statements, staff, 16 pp B - HB 3643, Preliminary Staff Measure Summary
and Legislative Fiscal and Revenue statements, staff, 3 pp C - HB 3643,
prepared statement, Dan Ellis, 4 pp D - SB 428, Preliminary Staff

Measure Summary, SB 428-A3 amendments, electronically-engrossed SB 428-A3 and Legislative Fiscal statement, staff, 7 pp E - SB 436, Preliminary Staff Measure Summary, SB 436-1, staff, amendments, electronically-engrossed SB 436-1 and Legislative Fiscal and Revenue statements, staff, 8 pp