

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

March 9, 1993 Hearing Room 357 8:30 a.m. Tapes 27 - 29

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Jim Edmunson Rep. Cedric Hayden, Ex-Officio Rep. Patti Milne Rep. Sharon Wylie

VISITING MEMBER: Rep. Ken Baker Sen. Cliff Trow

STAFF PRESENT: Janet Adkins, Committee Administrator Katy Yetter, Committee Assistant

MEASURES CONSIDERED: HB 2611 SB 22 SB 21

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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 27, SIDE A

001 CHAIR PARKS: Calls the meeting to order. (8:30 a.m.)

PUBLIC HEARING ON HB 2611 WITNESSES: Maria Keltner, Local Government Personnel Institute Melinda Harris, Multnomah County Payroll Supervisor Lauren Chouinard, Human Resources Director Connie Wiggins, Personnel Director for the City of Salem Diane Cowan, Executive Director, Oregon PUD

Association Rod Binnion, Senior Engineering Technician, Columbia River People's Utility District, (PUD) Irv Fletcher, Oregon AFL-CIO Mari Anne Gest, Oregon Public Employees Union, (OPEU) Ed Edwards, Oregon School of Employees Association Tom O'Connor, Eugene Water and Electric Board (EWEB) Steve West, Cross Connection Inspector, Eugene Water and Electric Board, (EWEB) Alex Garcia, Power Dispatcher, Eugene Water and Electric Board, (EWEB)

007 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2611.

027 MARIA KELTNER, CITIES AND COUNTIES: Testifies in support of HB 2611, submits written testimony, (EXHIBIT A).

045 MELINDA HARRIS, PAYROLL SUPERVISOR, MULTNOMAH COUNTY: Testifies in support of HB 2611, submits written testimony, (EXHIBIT B).

_ My staff and I review time cards for adherents to FLSA, Oregon Labor Law and labor contracts at the end of the pay period.

_ We find ourselves often adjusting several time cards to pay people overtime in order to comply with overtime requirements and this results in increased personnel expenditures as managers aren't counting on paying overtime.

_ We are finding that managers are becoming less flexible to accommodate employee needs and won't allow employees to work a nine hour day and

then a seven hour day.

069 CHAIR PARKS: What is the Federal Fair Labor Standards Act?

HARRIS: That is commonly called FLSA; that is the requirement to pay overtime after forty hours in a work week; that is one small part of it.

CHAIR PARKS: Is Multnomah County covered by a collective bargaining agreement?

HARRIS: We have nine collective bargaining agreements.

098 CONNIE WIGGINS, PERSONNEL DIRECTOR, CITY OF SALEM:
Testifies in favor of HB 2611.

_ In our collective bargaining agreement we have negotiated the ability to work alternative work schedules.

CHAIR PARKS: Can this flex time be imposed on an employee?

HARRIS: We normally give seven days notice and the employee has the right to object to it; we haven't had a problem in the three and one half years I've been here.

CHAIR PARKS: When push comes to shove, who has the final say on whether or not the employee has to work the flexible schedule?

HARRIS: The final say would come from management within the provisions of the contract.

158 DIANE COWAN, EXECUTIVE DIRECTOR, OREGON PUD ASSOCIATION:
Testifies in favor of HB 2611.

167 ROD BINNION, SENIOR ENGINEERING TECHNICIAN, COLUMBIA RIVER PEOPLE'S UTILITY DISTRICT, (PUD): Testifies in favor of HB 2611.

184 REP. HAYDEN: Would a flexible work schedule include working from 12:00 to 8:00?

BINNION: Yes.

195 IRV FLETCHER, OREGON AFL-CIO: Testifies in opposition to HB 2611; submits written testimony, (EXHIBIT C).

211 REP. HAYDEN: What happens during the fire season when people work long hours?

FLETCHER: There is an exclusion.

221 CHAIR PARKS: How many employees that work for state or local government are members of local unions?

222 MARI ANNE GEST, OREGON PUBLIC EMPLOYEES UNION, (OPEU): We represent about 18,000 plus state employees and we have language in our contract that they must pay overtime for anything over an eight hour day.

_ We have a lot of local and city government employees, a little over 2000, and we have that language here too.

241 CHAIR PARKS: This bill wouldn't effect union contracts?

ED EDWARDS, OREGON SCHOOL EMPLOYEES ASSOCIATION: We represent approximately 16,000 non-certified school employees and that wouldn't be true in a lot of our contracts.

GUEST: We oppose HB 2611; we think it is bad public policy.

REP. HAYDEN: This is overtime per eight hour day, not how many hours worked.

GEST: There is caution given employers have to pay time and one half; if you take that away, you may find employers scheduling longer hours.

317 REP. EDMUNSON: Would this bill allow a three day work week of two fifteen and one ten without over time for any of these days?

GEST: Yes. REP. EDMUNSON: What would happen if an employee felt fatigue at the end of the second day and couldn't come back to work the ten hours the third day?

EDWARDS: They are required to; they would be vulnerable to disciplinary action.

REP. EDMUNSON: Do you believe that if the state policy for non represented employees were changed that workers who are represented in collective bargaining would be at a negotiating disadvantage?

GEST: Absolutely.

363 CHAIR PARKS: I understand your personal situation, but besides that, why do you think this is bad public policy?

GEST: Part of our reason for setting eight hour days is health and safety factors and I think we would be reversing that and possibly putting people at risk.'

386 TOM O'CONNOR, EUGENE WATER AND ELECTRIC BOARD, (EWEB): Introduces witnesses from EWEB to testify in favor.

402 STEVE WEST, CROSS CONNECTION INSPECTOR, EUGENE WATER AND ELECTRIC BOARD, (EWEB): Testifies in favor of HB 2611.

TAPE 28, SIDE A

035 REP. HAYDEN: Everyone wouldn't like working longer hours and having longer periods of time off, but do you think some would?

WEST: Yes.

MILNE: Does the flexible schedule allow for changes; I'm assuming flexible to the full extent?

WEST: It is my understanding the bill would allow that and currently we don't have that flexibility.

047 REP. EDMUNSON: Do you believe you should have the right to refuse to work if you are fatigued and feel it is unsafe?

WEST: That can happen currently; employers can require overtime now, but they have to pay overtime.

_ We have a policy at EWEB that does set limits around the issue of fatigue and requires workers to take a certain rest period after so many hours worked. 065 O'CONNOR: There are, for the electric utility industry specific standards in OSHA and the PUC Standards for safety.

070 ALEX GARCIA, POWER DISPATCHER, EUGENE WATER AND ELECTRIC BOARD, (EWEB): Describes job; testifies in favor of HB 2611.

WORK SESSION ON HB 2611

133 MOTION: REP. HAYDEN MOVES THAT HB 2611 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION.

MOTION: REP. EDMUNSON MOVES TO AMEND THE PREVIOUS MOTION TO RESTORE, ON LINE THIRTEEN, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION ONE OF THIS SECTION, DELETING THE REMAINDER OF LINES THIRTEEN, FOURTEEN, FIFTEEN AND SIXTEEN, AND ADDING THE WORDS "AN EMPLOYEE MAY DECLINE TO WORK MORE THAN TEN HOURS IN ANY DAY IF IN THE EMPLOYEES OPINION IT WOULD BE UNSAFE TO WORK MORE THAN TEN HOURS".

REP. WYLIE: What is the process for asking for additional language in an amendment?

REP. EDMUNSON: I moved it; I think it is a safety concern and I think that overtime is a financial disincentive for excessive hours worked and right now present law allows for up to a ten hour day on a four day basis and I think that reflects a public policy that ten hours can be safely accomplished, but I'm concerned about the open ended language in this bill that really imposes no restrictions and in fact could require a twenty four hour day.

165 CHAIR PARKS: There are any number of OSHA rules in place that do prevent an employer from arbitrarily doing dangerous things; some employees are represented by unions and others can go to the labor unions.

_ I like to let people in Oregon, in the workplace and in all places, decide their own fate, not letting the legislature or other folks decide for them; that is why I favor the bill.

194 REP. WYLIE: I like Rep. Edmunson's amendment and in fact I would rather see it expanded a little bit; as desirable as the flexible schedule can be, some of the time it doesn't always work that way and sometimes single parents are unequally impacted by that.

_ I'm not comfortable with the amount of choice there is at this point in this legislation.

220 REP. EDMUNSON: The law we are being asked to vote on provides for a unilateral management decision about how long an individual will work and as I understood the testimony, if an employee objected to working a twelve or fifteen hour day, they could be discharged.

_ This bill is flexible only as far as management goes, it is an inflexible work time bill for workers.

REP. HAYDEN: We do in fact legislate for the worst case scenario.

252 REP. MILNE: I've been a single parent and my personal experience is that the flex time is the most advantageous.

REP. BAKER: My experience in my personal life has been that flex time is advantageous; in my office I have five employees and we all have kids and we work around situations as a group.

283 VOTE: IN A ROLL CALL VOTE THE MOTION FAILS. MEMBERS VOTING NO: HAYDEN, MILNE, PARKS VOTING AYE: EDMUNSON, WYLIE.

288 MOTION: REP. HAYDEN MOVES THAT HB 2611 BE SENT TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

292 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS VOTING NO: EDMUNSON, WYLIE

318 CHAIR PARKS: We will recess for five minutes.

Tape blank - inadvertently left running through recess.

TAPE 27, SIDE B

001 CHAIR PARKS: Call the hearing back to order. (9:40 a.m.)

PUBLIC HEARING ON SB 22

WITNESSES: Jim Schepplee, Oregon State Librarian, State Library Board of Trustees and the Oregon Library Association BJ Quinlan, Youth Services Coordinator, Salem Public Library

CHAIR PARKS: In some aspects, a core service is a community decision and should be decided by the local community.

024 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes SB 22; submits report and recommendations from the Joint Interim Committee on Education who had a work group on Oregon Library Services, (EXHIBIT D).

CHAIR PARKS: Does this take the same money and apply a different formula to it?

ADKINS: Yes, and a portion of the money that the State Library retains to serve areas that aren't served by a local library wouldn't be retained by the State Library any longer, but would be allocated to the local libraries.

075 LINDA M. DeRANCE, LEGISLATIVE ASSISTANT, SENATOR CLIFF TROW: Senator Trow asked me to attend and lend his support to the package of library bills.

_ I was to speak to Senate Bill 21 specifically; I have a quote for that from Andrew Carnegie who gave funds to build thirty one libraries in Oregon from Enterprise to Ashland.

_ "There is not such a cradle of democracy on the earth as the free public library, this republic of letters where neither rank, office nor wealth receives the slightest consideration."

096 JIM SCHEPPLEE, OREGON STATE LIBRARIAN, STATE LIBRARY BOARD OF TRUSTEES AND THE OREGON LIBRARY ASSOCIATION: Testifies in support of SB 22.

180 CHAIR PARKS: It sounds like there is more money being distributed; where is the other money coming from?

SCHEPPLEE: The State Library currently retains about \$33,000 a year, because of the mandate we have to serve people that don't have libraries.

_ We have put that money back in the pot to make this happen; had we not done that, you would see more adverse impact.

193 CHAIR PARKS: Are you speculating that the bill that allows you to charge people in rural areas for services will pass?

SCHEPPLEE: The purpose of SB 23 is to remove the mandate that the State Library serve rural Oregonians; we have no intention of charging for service.

CHAIR PARKS: If you take the \$33,000 and put it somewhere else, how will you provide that service?

SCHEPPLEE: We are still hopeful that we will see passage of SB 23; if not, we will simply have to use other resources to carry out that mandate.

_ The State Library has no intention of charging rural Oregonians for service; we think that we are to the point in the states development where local citizens should be served by local public libraries and not by the State Library.

_ We are trying to remove a mandate put in place in 1905 that has out lived it usefulness.

222 CHAIR PARKS: You intend to not serve those folks?

SCHEPPLEE: With SB 23 we attempt to remove a mandate and make an effort to get out to those few remaining communities and to organize those services locally.

235 REP. EDMUNSON: This bill doesn't encourage pre-school reading curriculums does it?

SCHEPPLEE: This bill encourages what public libraries do best, which is providing books to parents, providing information about the importance of reading to pre-school children, to have summer reading programs for school kids to continue reading over summers.

_ We aren't telling local libraries how to use this money; they will look at their community and see what the needs are; we are saying they must use this money to improve their service to children.

260 CHAIR PARKS: So the criteria is that they have to spend this on children and they decide on a local level how to do it?

SCHEPPLEE: Yes.

REP. BAKER: I don't see the correlation of children arriving at school ready to learn and what you are doing here; I don't see dedication of funds to those programs.

SCHEPPLEE: In Salem the library goes to every mother in the hospital with a packet that tells them to start reading to their children right away.

_ In Salem they go to most of the day care centers and bring them books, give them library cards and read stories.

288 REP. BAKER: What does this bill do with the aging population in Oregon; what are we saying to those people?

SCHEPPLEE: We are dealing with a modest amount of money; the effort isn't to say we don't care about services to other populations, but to take this modest amount of money and target it on one area that we know is critical.

REP. BAKER: You aren't targeting these funds in the bill.

CHAIR PARKS: On line eight of page one it says that the grant shall be expended to "develop public library services for children with emphasis on pre-school children".

REP. MILNE: I am in favor of the bill.

356 BJ QUINLAN, YOUTH SERVICES COORDINATOR, SALEM PUBLIC LIBRARY: Testifies in favor of SB 22.

_ We are out there trying our best to present a great variety of services for children in our state; describes services.

437 CHAIR PARKS: I'd like to know the rationale for sending this to Ways and Means.

_ Tape blank, continues without interruption on Tape 28, Side B.

TAPE 28, SIDE B

_ Chair Parks excused.

PUBLIC HEARING ON SB 21

WITNESSES: June Knudson, Library Director for Hood River County
Carol Hildebrand, Chair of Oregon Library Association
Tanya Collier, Multnomah Commissioner

018 CHAIR EDMUNSON: I would appreciate it if the witnesses would focus on the definition of "core services"; I see in the bill there is a definition of basic library information services; "basic reference services" is fairly broad.

035 JUNE KNUDSON, DIRECTOR, HOOD RIVER COUNTY LIBRARY: Testifies in support of SB 21; submits written testimony, (EXHIBIT E).

080 REP. EDMUNSON: Would you take a shot at a definition of basic library reference services?

KNUDSON: That means you should have the right to walk into my library

and ask a question that can be answered out of the materials of our collection and not have a fee imposed for asking the question and getting the answer.

_ I come from a small library; we might tell you where you can get the information, but you might have to pay for it, or if we borrow from another library that imposes a fee on us, we might pass that fee on.

REP. EDMUNSON: Would basic reference service include "how to use" card files, computers and what is necessary to access the collection?

KNUDSON: Yes; I'd show you everything we have and then tell you that you could go to the County Extension Office and if you are interested you can get into a data base search, which we can't provide, but it could be done in another place.

ADKINS: They also do a lot of providing answers, not just the source of the answer.

REP. EDMUNSON: Would that be considered a basic reference service?

KNUDSON: Yes; one important thing we do is to know where things are and be the gate way to that material if not the actual facilitator.

115 REP. EDMUNSON: When does a reference request become more than basic?

KNUDSON: What I consider basic is what we have in place; if we were going to not make the phone calls because of expenditure problems, then my library board and the county commissioners need to review that and they reserve the right to redirect me and shift services, if that is a priority.

140 CAROL HILDEBRAND, EUGENE PUBLIC LIBRARY, REPRESENTING THE OREGON LIBRARY ASSOCIATION: Testifies in support of SB 21, (EXHIBIT F).

205 REP. EDMUNSON: Are telephone inquiries basic services?

HILDEBRAND: They are; this bill should not affect this service.

223 REP. EDMUNSON: Would you comment on Knudson's definition of basic services; "asking questions and receiving answers of the collection and reference to the sources of materials as well as answering general knowledge questions from the staff's own knowledge or from available materials?".

HILDEBRAND: We treat telephone inquiries as basic reference service, including making the calls to resources we don't have; we do charge for on line data base searches if they are more than a very quick, very basic search.

_ I think that the definition should not include basic phone reference; it should be up to the county to determine; at least the walk in service and the referrals we can make in person should be basic, but the county should have the right to say they need to charge for phone reference.

239 REP. EDMUNSON: Is that any phone call, so that basically a phone call to the library would be a 900 number?

HILDEBRAND: We aren't charging for anything like that; for us that is a basic service; I wouldn't include that in the bill, but would leave that to local option.

258 TANYA COLLIER, MULTNOMAH COUNTY COMMISSIONER: Testifies in opposition of SB 21; Multnomah County has put some \$20 million a year into our library system.

_ The problem for us is "basic reference"; in place right now we have a \$600,000 per year reference line that answers questions, so we are having a dialog with our community to see if people want those questions answered, maybe they should have a 1-900 number to charge for that.

_ We feel that the bill as written says that we must do this.

_ Presents written testimony on SB 21, (EXHIBIT G).

370 COLLIER: Although the Portland Chamber couldn't be here today, they sent a quote.

_ "The business community is concerned that SB 21 will eliminate the ability of libraries to pursue and develop opportunities to serve more clients through creative mechanisms."

389 REP. EDMUNSON: Is the opposition to the outright elimination of the telephone reference service or going to the pay per call service?

COLLIER: It is either one; our library director is very good and her job is to advocate for libraries, which she does very well and she doesn't want to eliminate our reference line nor charge for it; we'd like to put it on a fee basis.

REP. EDMUNSON: Is there a cap on how much this could cost; would parents be liable if children ran up large costs without the parents knowledge?

415 COLLIER: You can put a block on those calls the same as you can on your cable television.

_ The 1-900 line is only one thing we are looking at doing; we deal with a lot of businesses and it is possible that we could just charge businesses; the range of options hasn't been examined.

REP. EDMUNSON: How long does it take to answer the average question; what would a consumer pay to find out who pitched in the world series in 1969?

COLLIER: That hasn't been established yet, but the average length of questions coming in on this line are three to five minutes; anything over five minutes is sent on to our reference librarian to do research and call back and those can take any amount of time.

TAPE 29, SIDE A

002 COLLIER: We don't know the costs of the 1-900 number; we are exploring this as an option, but haven't gotten to what it would cost, how it is put in or the implementation of it.

_ What we are asking you to do is not put this mandate on us so that we can continue to explore the options.

008 ADKINS: SB 20 passed with favorable recommendations from the Senate Education Committee and is now in the Senate Ways and Means Committee; it would provide some funding to reimburse libraries that provide more interlibrary service than they use from other libraries.

016 CHAIR EDMUNSON: I sense this committee wants to add a definition of basic reference service and I strongly encourage anyone with interest in this area to provide us with written suggestions as to how we might craft that definition.

_ With that, we are adjourned. (10:40 a.m.)

Submitted by, Reviewed by,

Kimberly Burt Janet Adkins Committee
Administrator

Committee Administrator

EXHIBIT SUMMARY:

A - HB 2611: Written testimony submitted by Keltner, pp 2 B - HB 2611: Written testimony submitted by Harris, pp 2 C - HB 2611: Written testimony submitted by Fletcher, pp 1 D - SB 22 : Report from Interim Education Committee submitted by staff, pp 59 E - SB 21 : Written testimony submitted by Knudson, pp 2 F - SB 21 : Written testimony submitted by Hildebrand, pp 1 G - SB 21 : Written testimony submitted by Collier, pp 9 H - SB 22 : Senate staff Measure Summary - submitted by staff, pp 2 I - SB 21 : Senate staff Measure Summary and Fiscal Impact Statement submitted by staff, pp 2 J - HB 2611 : Written testimony submitted for the record by staff, pp 1