



two most evasive forms of electronic monitoring devices which would be telephone and video tape. I would also ask that they be excluded from restrictions on the use of this data as a sole determinant in employment decisions.

300 GARY WILHELMS: Submits and summarizes written testimony in opposition to SB 862 (EXHIBIT B). US WEST believes that passage of SB 862 would ultimately lead to a deterioration in the quality of service we provide our customers. US WEST takes pride in the fact that we are industry leaders in providing top-notch employee training and development. Like any business that strives to serve their customers well, US WEST Communications attempts to exercise continuing, effective control over the quality of its products and services. Inherent in this control is the ability to monitor employees' development, and their training needs, often times with the aid of everything from a hand-held calculator to sophisticated electronic data retrieval systems. This activity clearly falls under the definition of "Electronic Monitoring" in the bill, but there is nothing sinister in its use. By monitoring an employee's production rate, accuracy or courtesy, we are able to determine areas requiring attention such as training needs, misunderstandings, and policy refinements. The use of "Electronic Monitoring" is indispensable to our quality control program, especially when the nature as well as the volume of our business is considered. We suggest that you table SB 862. 385 SENATOR SHOEMAKER: What extent is the subject of collective bargaining to US WEST? 390 GARY WILHELMS: It is one of the subjects of the joint committees that meet between labor and management in our corporation. 400 SENATOR SHOEMAKER: Do the employees of US WEST generally know the extent to which they are being monitored? 415 GARY WILHELMS: I believe in most cases the employees do know. If they don't know at the outset, they certainly become aware of it because it is discussed with them. Discusses how - These rminutea cor~in rnateriala which paraphreae and/or wrnmarize ataternenta made during thia aesaion. Only text enclosed in quotation marks repon a apeaker's exact worda. Por complete contenta of the proceedinga, please refer to the tapea. - Senate Co llmittee on Labor May 1, 1991 - Page 3

his company monitors an employees performance. 489 SENATOR SHOEMAKER: Do you record all incoming or out going phone calls?

495 GARY WILHELMS: No.

TAPE 84, SIDE A 035 CHAIR KERANS: The big problem with electronic surveillance is the intrusion on someone's privacy. I assume your company does not monitor personal phone calls.

051 GARY WILHELMS: I don't know about a policy, but personal calls seldom come into the service representative positions. We have lounges equipped with phones that are not monitored. 060CHAIR KERANS: The incoming calls are routed electronically. Is that the reason that it is virtually impossible to route a personal call to an employee?

065 GARY WILHELMS: It's not impossible to route a personal call to an employee. Usually when the employee gets off the phone, they receive the message to return the call on another line. 080 CHAIR KERANS: Do you keep long-term data on computer monitoring as far as performance production levels etc? 095 GARY WILHELMS: Yes. After a while the data is destroyed. An employee always has access to their files. I

10 CHAIR KERANS: How does your company moderate the use of computer monitoring for production values? Do you tell your employees that they should balance between good service and high production? 130 GARY

WILHELMS: This seems to be an age-old problem. No two managers practice the same methods with their employees. We do the best we can to balance the pressure and the stress with customer service. 180 ANNETTE

TALBOTT: Do you keep records on number of calls per employee?

190 GARY WILHELMS: I don't believe it is routine throughout the entire company. 200 ANNETTE TALBOTT: Could you find out whether that data is something that would be disseminated, or if it is confidential?

209 GARY WILHELMS: I couldn't tell you how it is classified. I would find it difficult to believe that it's finding its way out of our company. I would find it difficult to believe that it finds its way out of the office in which it takes place. 215 ANNETTE TALBOTT: Do you treat trainees differently initially in terms of the monitoring that takes place?

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. Senate Committee on Labor May 1, 1991 - Page 4

220 GARY WILHELMS: I believe that they would be monitored at an increased level. It goes beyond initial training, it's maintaining consistency in the business place.

235 ANNETTE TALBOTT: Do you set production quotas based upon data obtained from electronic monitoring.

240 GARY WILHELMS: That is the case in certain jobs. 245 MARK VEGH: Submits and summarizes written testimony in opposition to SB 862 (EXHIBIT C). The use of computerized production measurement devices is becoming more prevalent in wood products companies. SB 862 would restrict the use of these devices. Many of the computerized measurement devices currently in use wouldn't comply with the requirements in Section (1) (b). The concerns reflected by Section (1) (c) are presently adequately addressed by ORS 652.750, which entitles employees and terminated employees access to personnel records used to determine qualification for employment, promotion, additional compensation, termination or other disciplinary action. The apparent primary intent of SB 862 is to protect workers from employers unreasonably monitoring them while at work. Timber Operators Council (TOC) suggests that subsections (1)(b), (1)(c), (1)(d), and (1)(e) be deleted. The definition of "electronic monitoring" should also be narrowed to refer only to collecting personal data about an employee in the workplace.

333 CHAIR KERANS: Do you believe the bill to be overbroad?

335 MARK VEGH: Yes.

362 ROBERT HALL: Submits and summarizes written testimony in opposition to SB 862 (EXHIBIT D). PGE is opposed to SB 862 as it's currently written, because it appears to be overly broad, primarily in its definitions of "electronic monitoring" and "personal data" and could severely restrict the use of electronic equipment currently being used in the normal course of business. An example of this is a hand held calculator currently being used by our meter readers. It appears that the definitions could include this type of device. The definition of "personal data" would appear to include timecards in the restriction of electronic monitoring. I don't know if this was intended, but it's possible it's included under the bill as currently written. Portland General Electric doesn't condone the use of an electronic device to

create a computer sweatshop atmosphere for employees, but we think that the bill as currently drafted is overly broad and would need substantial amendments to answer some of these questions.

TAPE 83, SIDE B 025 CHAIR KERANS: The bill doesn't prohibit you from recording all those sales.

030 ROBERT HALL: We buy and sell power off the grid at any given time. All power is dumped from a grid.

045 CHAIR KERANS: The bill would not prohibit you from doing that, but you would need to notify them that this is going on.

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053 DAVE OVERSTREET: He opposes this measure because its passage would effectively preclude us from electronically monitoring our operators and certain other customer contact employees. Monitoring allows us to determine how fast a customer's call is answered, the courtesy the operator shows to the customer, and the accuracy with which the operator performs his or her job. 080 SENATOR SHOEMAKER: The average employee answer speed is two and one-half calls per second. How did they impose that on you?

090 DAVE OVERSTREET: Those are targets that we are to allegedly meet in order to fill those guidelines. 093 SENATOR SHOEMAKER: Why does the PUC impose those guidelines?

095 DAVE OVERSTREET: I don't know. I guess I would have to ask our supervisor.

099 CHAIR KERANS: I didn't realize they would get it down to this level. 125 DAVE OVERSTREET: The language in Section 1 (1) (b) would require some type of indication that electronic monitoring is taking place. Such notification would have the effect of distorting any employee evaluation. Our monitoring program helps us to ensure that accurate information is provided to our customers. GTE doesn't feel that electronic monitoring is an invasion of privacy. Our operators and customer contact employees must sign a notification of service analysis when first hired by the company.

195 CHAIR KERANS: Does GTE believe that part of the bill can be saved?

220 DAVE OVERSTREET: We currently notify our folks of everything required under Section 1 (a) (b) (c) and (d). We have a problem with lines 12-14. We also have concerns about lines 1920. The disciplinary action that is referred to on line 22 is another problem.

270 JEANINE MEYER RODRIGUEZ: Submits and summarizes written testimony in favor of SB 862 (EXHIBIT E). I believe that computer surveillance isn't a good thing. In the modern workplace the intensity of the intrusion is becoming increasingly intense as new technology is advanced. An employer monitoring an employee's personal phone calls and the amount of time spent in the restroom are two examples of intrusion of privacy. Electronic monitoring isn't a labor saving device, it's a

labor controlling device. 390 MARI ANNE GEST: Gives testimony in favor of SB 862. We don't see any purpose for electronic monitoring unless the purpose and desired outcome is so great in the public's interest and safety that it outweighs the affect of employees. There are other ways to get at what the employers are trying to do without being intrusive.

490 MARGARET BUTLER: Submits and summarizes written testimony in favor of SB 862 (EXHIBIT F). Relates anecdote of the way things were for her when she worked for a company that had electronic monitoring. US WEST has a agreement which provides that operators will be given a choice of side by side or remote observations. They will be informed when monitoring is taking place. This is part of our 1989 contract and has cut down on the problems

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immensely.

TAPE 84 SIDE B 025 MARGARET BUTLER: Another aspect of this is the customer's right to privacy. CWA has been pursuing national legislation which would place many of the same limits on monitoring that SB 862 does. Many customers expect that their conversations with an operator or service representative are private and would interact differently if they knew monitoring was taking place. Both operators and customers should have the right to know when someone else is on the line with them. I urge your support in the passage of SB 862. 095 ANNE SWEET: Testifies in support of SB 862. I'm a member of CWA and an employee of US WEST Communications. I was one of the committee persons that worked on the voice monitoring piece of our contract. We were told that the electronic monitoring wasn't within the scope of our committee and that we weren't to address it. In our contracts we aren't suppose to be monitored, but the company finds ways of monitoring us by using test calls. I urge your support in the passage of SB 862. 145CHAIR KERANS: What is a test call? 160ANNE SWEET: Someone could make 25 calls asking for the same person, just to see how the calls are handled. 180 JACK MONROE: Testifies in opposition to SB 862. There are a lot of situations where things are electronically recorded. Scanner technology in stores is a means of providing very detailed receipts to the customers. It is also a means of doing inventory control related activities, and collecting information that under the scope of this bill might be considered personal data. The definition of electronic monitoring is too broad. Whenever someone identifies themselves on the record such as this hearing it is considered personal data. 300 ANNETTE TALBOTT: Testimony in a hearing or hearing records aren't kept by name. They are kept for purposes of documentation. That is what the data is meant to be. 317 CHAIR KERANS: I think the personal data needs to be expedited if it's going to be used in the evaluation of performance in the work place.

SB 963 - CREDIT REPORTS - PUBLIC HEARING

WITNESS: Irvin Fletcher, AFL-CIO. 360 IRVIN FLETCHER: Submits and summarizes written testimony in favor of SB 963 (EXHIBIT G). Relates anecdote of his experience with someone forging his name on a credit card application. As we understand the bill, it would be an unlawful employment practice for an employer to obtain from a credit reporting

agency, for employment application screening purposes, a credit report on a prospective employee without first giving written notice thereof to the prospective employee; or first advising the credit reporting agency that the credit report is for an employment application screening purposes and directing the credit reporting agency to delete from the credit report information regarding the prospective employee's age, marital status and

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dependents. 460 CHAIR KERANS: Adjourns hearing at 5:05 p.m.

Submitted by: Reviewed by: Apryl Poff for Roberta White Annette  
Talbott Committee Assistant Committee Counsel

EXHIBIT LOG:

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