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Before Oregon Legislature  
House Business & Labor Committee

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# SB 264-1

## Support for Proposed Amendment Testimony

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Maureen Wright, Private Citizen  
Monday, May 6, 2013

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**SB 264-1 (LC 817) (5/2/13)**

SB 264 modifies definition of ORS 243 (16) "managerial employee to include certain employees of Oregon University System, at lines-25, page 3 as follows:

**"Notwithstanding this section, "managerial employee" does not include faculty members who teach courses for credit at a community college, college, or university."**

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**Subject:** SB 264-1 (LC 817) (5/2/13) modifies definition of "managerial employee to include certain employees of Oregon University System, to at lines-25 page 3 as follows:

"Notwithstanding this section, "managerial employee" does not include faculty members **who teach courses for credit** at a community college, college, or university:"

May 6, 2013

Chair Doherty, and members of the Committee of Labor and Business.

Thank you for your consideration of my testimony today.

Respectfully, I request your vote to approve a house-keeping amendment to SB 264. Your additional guidance may stop particular public employers' misunderstandings of statutory definitions within ORS 243 (16).

The proposed language re-confirms the historical intent of earlier legislation. Five additional words applied to the definition of managerial employee would clarify the separation of duties. Managers do managerial work. Faculty members teach credit courses. Their separation of duties based on mutual compliance with policy directives ensures harmonious relationships between labor and management.

The proposed amendment upholds non-partisanship, because the five additional words resolve a misunderstanding that exists. Some managers have misconstrued the definition of manager.

By adding five clarifying words, the legislature may prevent costly litigations and potential embarrassments to institutions of higher learning that need guidance from you.

### **Private Citizen & the Public Good**

I offer my testimony as a private citizen. My efforts are to promote institutional integrity at my beloved college where I work as a full-time faculty member. I do not represent any other group, or my public employer.

I testify in service to the broadest public interest. The public cares deeply about institutional integrity, transparency, accountability, and merit-based employment practices at institutions of higher learning.

We public employees, our public employers, and elected officials all need to safeguard the public's trust. The public needs to know that at all times we act with integrity and are mindful of our obligations to them.

### **Unintended Consequence of Current Ambiguities in ORS 243(16)**

Ambiguous language in ORS 243(16) definition of managerial employees has had unintended negative consequences. The unintended consequences include the following:

1. Actual conflicts of interests occur in cases of some managers
2. Improper and inadequate use of generally accepted accounting practices in payroll where managers approve their own pay as part-time faculty members
3. Violations of equal employment opportunity principles in the practice of merit-qualifications as the basis for making hiring for faculty members
4. Trespasses into the separation of duties that differentiate managers from faculty members
5. Absence of checks and balances to protect against abuses of authority
6. Potential embarrassment and media scandals in cases where public managers earn the near equivalent of two full-time salaries (one as a manager and one as a faculty member) from the identical public employer.

Managers are exempted from the ability to earn "over-time" pay. The public employer who allows "double dipping" of its managers into the public treasury so they can earn the equivalent of double-incomes from one public employer invites public outrage. If the media finds out, there will be negative media frenzy harmful to the public trust.

7. One of the costs of being a faculty member is to pay fair share dues. However, when managers teach credit courses, they do not pay fair share dues. This practice discourages participation in collective bargaining, because dues-paying faculty members earn less net pay for doing the identical work as non-dues-paying faculty members who happen to be managers.
8. Any activity by a public employer that would be construed as discouraging participation in collective bargaining, such as preferential treatment in hiring faculty members outside of the bargaining unit, is an unfair labor practice.

**Action Item**

Respectfully, I request a due-pass recommendation by the House Labor and Business Committee to modify SB 264 to include the proposed language modification. The additional clarifying language will provide guidance to managers regarding proper interpretations of public policy.

**Conclusion**

Thank you for your consideration.

Please ask me any questions you may have.