



May 14, 2013

Honorable Chip Shields, Chair
Senate General Government, Consumer and Small Business Protection
900 Court St. NE
Salem, OR 97301

RE: Oppose HB 2418A – Changes the definition of a “supervisory employee” for the purpose of collective bargaining

Dear Chair Shields and Members of the Senate General Government, Consumer and Small Business Protection:

We are writing to express strong opposition to HB 2418A relating to the changes in the definition of a “supervisory employee.” Passage of this bill would interfere with the city’s ability to effectively manage our police department by changing the composition of existing management teams and significantly impact the ability to staff at the levels expected by the public.

ORS 243.650(23) states that a “Supervisory employee” means any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to **recommend such action** [emphasis], if in connection therewith, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.” That is exactly what managers do without needing to have the unilateral ability to impose economic discipline. HB 2418A takes that away with a new definition of “supervisory employee” that would state that a “strike-prohibited employee who merely assigns, transfers, or directs the work of other employees does not have the authority to impose economic discipline...” In the city of Beaverton, lieutenants and captains hold management roles in which they recommend this action. This new definition would place all the lieutenants and captains in the bargaining unit with the officers they supervise daily.

Inherent personnel conflicts would exist with the passage of this bill. For example:

- The ability for supervisors and managers to effectively address disciplinary and personnel issues without a perceived conflict of interest would be negatively impacted, potentially creating a lack of public confidence in agency review of citizen complaints.
- It forces conflicts appropriate for lower levels of supervision and management resolution to be resolved at higher levels of administrative review.
- The ability for supervisors and managers to freely evaluate employee performance is limited, when substandard or inconsistent performance may be the basis for future disciplinary actions of an economic nature.
- It restricts the ability to ensure supervisory and management personnel act on behalf of their respective department and governing body with regard to planning, organization, direction, and control of resources.

- It has the potential to isolate chief law enforcement executives as the only non-represented personnel in agencies, depriving communities and municipalities of the benefits of robust leadership teams comprised of supervisors and managers.

Our lieutenants and captains are salaried employees and consistently dedicate more than 40 hours in a given week. If we add those positions to a bargaining unit, overtime costs will climb and this legislation will have a significant and detrimental fiscal impact on our city budget. There would also be substantial costs for additional supervisors to handle grievances, new supervisor training, revised city policies, and reorganization of the command structure.

Public safety is an especially structured environment and this shift would be damaging to the organization and finances of local government as well as the public at large.

Please vote NO on the bill.

Sincerely,



Geoff Spalding
Police Chief



Nancy Bates
HR Director