

**Testimony of Mary Rowe, Human Resources Director
In Opposition to House Bill 2448
Senate Committee on General Government, Consumer and
Small Business Protection
May 15, 2013**



Chair Shields and members of the Committee:

Metro is the elected regional government of the Portland metropolitan area. We serve a population of 1.5 million people in an area that extends from the Columbia River to just south of the Willamette River in Wilsonville, and from the foothills of the Coast Range near Forest Grove to the banks of the Sandy River at Troutdale. We offer a variety of services to the public ranging from operation of the Oregon Zoo and Oregon Convention Center to land use planning and solid waste disposal. We have a complex business operation and have a responsibility to our citizens to operate in an efficient and effective manner.

Currently, the expedited bargaining process under ORS 243.698 is a fair and quick process whereby labor and management must meet and negotiate mandatory subjects of bargaining during the term of a collective bargaining agreement. If an employer needs to change a mandatory subject of bargaining during the term of a collective bargaining agreement, they must notify the respective union and the union then has an opportunity to demand to bargain the issue. HB 2448 would add an additional step in the process to implement any change, thereby making it more difficult and significantly more expensive for Metro to operate efficiently. To impose an additional step would increase the time and expense of paying an outside arbitrator to make timely adjustments to respond to operational needs. Moreover, HB 2448 places critical business decisions in the hands of a 3rd party that is unfamiliar with the specific business needs and operating environment of Metro or other government agencies.

Under HB 2448, a union may delay interim bargaining and force employers into arbitration that would increase the timing from the current 90 days under ORS 243.698 to up to a year to get an arbitration scheduled and decided. This undermines the incentive for both parties to come to the table and bargain in good faith over important issues during the term of a collective bargaining agreement.

Below are some recent examples of situations in which we have successfully utilized the expedited bargaining process. In all of these cases, HB 2448 would thwart a timely resolution of the matter.

- 1) Creation of a new position. Prior to filling a new position, the salary must be negotiated with the union. Under HB 2448 if an agreement is not reached in 90 days, the parties would have to arbitrate creating additional delay of 6 months to a year. During this time, Metro would not have been able to fill the position and services to the public would be impacted.
- 2) The enactment of new policies to respond to changing business environment. Before Metro enacts a new policy we notify the impacted unions and they may demand to bargain the matter if it is a mandatory subject. As it currently stands, Metro is able to enact a new policy or work rule after bargaining in good faith for 90 days. Under HB 2448 if the parties do not agree on the new policy, there would be an incentive to delay and take the matter to arbitration, once again adding a 6-12 month process during which time Metro would not be able to enact new policies or work rules to respond to business needs.

We urge you not to move HB 2448 forward. Thank you for your consideration of these comments.