OREGON STATE FIRE FIGHTERS COUNCIL

International Association of Fire Fighters
AFL-CIO CLC

May 15, 2013

The Honorable Chip Schields
Senate General Government
900 State Street, Oregon State Capitol
Salem, Oregon

Dear Chair Shields & Committee Members:

The sweeping reforms encapsulated in Senate Bill 750 from the '95 legislative session had the consequences of broadening the definition of a supervisory employee. This has allowed employers to classify employees who were traditionally a part of the bargaining unit as being supervisory in nature, thereby making them ineligible for the bargaining unit. HB 2418A will correct this inequity.

The intent behind HB 2418A is to allow public safety officers like fire fighters and police officers that are merely "lead workers" by the nature of their work (e.g. fire captains and police sergeants) should not be considered to be supervisory for the purpose of determining bargaining units. Previously, many people have suggested that simply spelling out which positions are considered to be supervisory is a better way to address this problem. However, many jurisdictions have elected to designate various names for employees who do the same or similar types of work. For example, a Fire Captain in Medford may do the same type of work as Fire Lieutenant in Pendleton. Both of these employees basically serve as a team leader on an Engine company providing a variety of emergency services to the public, but yet they have a different title. The same holds true for some law enforcement employees such as a police sergeant who works with other officers but provides some guidance with respect to operations, similar to that of a team leader or foreman. Therefore, the best way to define employees for the purpose of determining bargaining units is through language such as what is proposed in HB 2418A.

We believe that this modification is necessary for a variety of reasons. One of the main reasons is safety. Since the change in supervisory language over 18 years ago, many police officers and fire fighters have elected to forgo promotional opportunities for fear of being pulled from the bargaining unit. In effect, this has narrowed the pool of candidates who compete for leadership positions - the very same individuals who have to make decisive and difficult decisions in a variety of emergency settings. Therefore, many of the people who should be making these decisions are electing not to promote which has a direct impact on the safety of emergency personnel and the public.

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A second reason for necessitating a change in supervisory language is the degradation to bargaining units - particularly in smaller bargaining units. While not rampant, there has been a continuing trend to reclassify employees through unit clarifications as well as directly attacking the bargaining units most experienced members. For example, whether coincident or not, many of the people being pulled from the smaller bargaining units are the very ones who end up negotiating the contract. The reason for this is that it is not uncommon for union leaders to be team leaders such as a fire captain or sergeant.

A third reason for passing HB 2418A is successor planning. The job of a public safety officer is dangerous, complex, and dynamic, and the responsibility and trust the community has on today's public safety officer is considerable as it should be. Unfortunately, many of the ideal candidates who should be the next Fire or Police Chief will never even contemplate this important job. The reason for this is that too early in their career and too low in the chain of command, public safety officers are being faced with a dilemma: That dilemma is one where they eliminate all predictability and security knowing that they have a collective bargaining agreement that protects and provides for themselves and their family, or they forgo this protection to move up through the ranks to serve their community in a different role. The amount of individuals electing to promote up through the ranks of police and fire over the last 18 years appears to have shown that employees are electing the predictability and security of a labor contract over an upwardly mobile career that may lead them to becoming a future fire or police chief. This imposition to successor planning does not serve the citizens of Oregon well. At the same time, surrounding states like California and Washington who allow entry level supervisors as well as mid level managers to stay in a bargaining unit are in the enviable position of improving their successor planning by allowing their future executive leaders to maintain their bargaining status much longer as they move up in rank and responsibility. Nike has asked and received predictability from this legislating body. We believe your public safety officers deserve the same consideration, and the return will be better successor planning for future leaders of public safety services throughout Oregon.

Employers will attempt to emphasize discipline, grievances "serving two masters" to name a few of the reasons to prohibit an employee from having the right to work under a contract. Don't be fooled by this argument. Not only are your public safety officers professionals, they understand chain of command, incident management and most importantly the duty to act. HB 2418A is really an attempt to make sure that many of your frontline public safety officers who share similar duties and responsibilities have the right to bargain wages, hours, and working conditions – something that was originally allowed under the 1973 Public Employees Collective Bargaining Act. The fundamental question to answer is whether or not as a state we believe that the men and women who respond to our emergencies and protect our communities have the right to bargain collectively and whether they deserve the right to a labor contract? We believe they do. Please support HB 2418A.

Sincerely,

Bob Livingston, Legislative Director