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Testimony before the Oregon House of Representatives

Michael J. Tedesco

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Madame Chairperson, members of the committee, thank you for the opportunity to be here today.

My name is Michael Tedesco. I am a labor lawyer in Oregon since 1978 and have represented organized labor since 1980. I am also an adjunct professor of labor and arbitration law at the University of Oregon Law School since 2002. I am here in my capacity as the General Counsel for the Oregon School Employees Association, AFT Local 6732.

I speak in favor of HB 2248. This legislation would "level the playing field" in collective bargaining where the parties are obligated to bargain over ORS 243.698, the expedited bargaining statute. ORS 243.698 was passed as a part of the sweeping SB 750 reform of the Public Employees Collective Bargaining Act ORS 243.650 et seq. in 1995.

Under the current interpretation of ORS 243.698, expedited bargaining has been used by management to impose conditions of employment and the contracting out of pupil transportation services that has resulted in the loss of job, pensions, health care benefits for hundreds of Oregon School District workers over the past 18 years.

There are a few recent circumstances that deserve the committee's attention. In 2011, the Central Point School District used the device of expedited bargaining to cause

Union school bus drivers to loss their jobs to a multi-national private corporation who slashed worker compensation and even refused to hire former district bus drivers.

The manner of Central Point's attack on employee jobs with benefits is particularly illustrative. In the Spring of 2011, the District announced that it was considering contracting out pupil transportation services. The District and OSEA were in the midst of a multi-year labor agreement at the time. The Union upon receiving notice, filed a demand to bargain pursuant to the expedited bargaining statute. In the bargaining, the District refused to budge on their stated position that they intended to contract out pupil transportation services.

OSEA had 90 days to bargain with a District who had made up their mind prior to bargaining even commencing. OSEA had no leverage at all due to the constraints of the statute. At the conclusion of the 90 day period, the District voted to contract out pupil transportation services and all the bus drivers in the District lost their jobs, their benefits and their pensions.

The essence of the problem in Central Point is what is being addressed by this bill. There was no dispute resolution mechanism in the law, other than the District's imposition of its will. There was no provision for mediation, there was no balancing of the District's decision with its effect upon the school bus drivers or the larger community. There simply was no review of the District's decision because they were able under current law to go through the motions of bargaining and simply impose their will.

There have been numerous other examples where expedited bargaining has been used to harm the interests of Oregon's working men and women. Some examples are: the unilateral imposition of pension pickup reductions at the Medford School District, the loss of pupil transportation jobs in North Lake and Willamina, the loss of retiree health benefits in Clatskanie, the imposition of furlough days in Parkrose and the contracting out of custodial services at the Portland School District.

The effect of HR 2448 is to restore long needed balance to the expedited bargaining process. It provide a workable dispute resolution process that will include mediation. Further, the ultimate decision will be reviewable in arbitration should bargaining and mediation fail. This will restore equity to bargaining positions of the parties and make the outcome of bargaining a matter of logic and public need rather than brute force.