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RE: ERB Budget

### Summary of testimony of attorney Henry Kaplan

Last fall, I was the chief negotiator and legal representative for ILWU Local 28, representing the Port of Portland security officers who maintain security at most of the Port's terminals. Following protracted negotiations, the parties reached impasse, primarily over job security issues. Following completion of the cooling-off period, ILWU Local 28 issued a strike notice on November 15, declaring its intent to strike on Sunday, November 25. The other ILWU Locals representing workers at the Port pledged to honor any lawful picket line of Local 28, thus threatening a shut-down of almost all economic activity into and out of the Port, which serves the entire Pacific Northwest.

The Port immediately filed for an injunction in the Multnomah County Circuit Court to prevent the strike, but that injunction was denied after a hearing on November 21. At the injunction hearing, the Circuit Court judge held that he did not have authority to enjoin the strike, despite his finding that the strike was likely to cause devastating economic harm to the region.

The parties were contacted by the State Conciliator, who convinced the parties to convene for one final negotiation effort, the day before the strike was scheduled to commence.

The Governor's office made efforts to delay the strike, but the parties were dug in: the Port refused to dismiss other pending litigation to undermine the strike, and the Union refused to delay the strike unless the litigation was dismissed. At this point, the parties were no longer talking about the merits of the issues that separated them.

The Port expressed its concern that if the strike shut down loading and unloading operations, then some of its major lease contracts would be permanently cancelled, and the terminal operators would move elsewhere on the West Coast. The Port managers repeatedly asserted that the striking Local 28 members would not have jobs to come back to if they struck, because the terminal operators would leave. The Local 28 members were concerned that without job security provisions in the contract, their jobs would be subcontracted away in any case.

On Saturday, the day before the strike, the State Conciliator for the Employment Relations Board convened the parties in two rooms at the Port offices, and compelled them to directly address the issues on which they remained apart. Both sides were adamant. However, the State Conciliator, with his long experience in these