



TO: Members of the Senate General Government Committee

FROM: Eric Swanson, City of Medford

RE: SB 1518 Opposition

DATE: February 5, 2014

SB 1518 requires that only a firefighter having the authority to "**hire, discharge or impose economic discipline**" be considered a supervisor for collective bargaining purposes. Many senior members of Medford's fire department are relied on for day-to-day oversight of the public safety services they provide. Their level of expertise, their experience, their management skills and their ability to meet the leadership roles needed for effective public safety place them in a distinct and separate management role. To the detriment of that structure, SB 1518 would put these managers into the same collective bargaining unit as the employees they manage.

As example of the real effect of this legislation, fire battalion chiefs are first line supervisors and incident commanders, and are distinct from the employees they supervise on a day-to-day basis. Of concern as well, SB 1518 will significantly cloud the line between labor and management. Where will that operational line be drawn? For the City of Medford, the line would essentially disappear. For example, the City Manager has final authority to discharge employees. Does this mean that Deputy Chiefs and the Fire Chief will be defined as a public employee covered by the Act (ORS 243.650 (19)? These are legitimate questions that will only be answered with significant litigation via the Employment Relations Board and courts of appeal.

The bigger question with this change is what public interest will be served? The City of Medford cannot see any public interest being served; however, there will be negative operational and costly impacts and, as such, we must oppose the Bill.

Supervisory status is currently well defined and a settled issue in Oregon. The change proposed in SB 1518 will initiate a whole new arena of disputes between labor and management that will be costly and contentious.

Removing the "effective recommendation" terminology from the definition of a supervisor clearly clouds the separation between labor and management (ORS 243.650(23)). Why is it that it only applies to firefighters? Where will this new definition of a supervisor stop? Will the removal of the "effective recommendation" terminology filter into the exclusion of a "managerial employee" being excluded from the definition of a public employee under the act. ORS 243.650 (16) uses the valid distinction of "effectively recommending discretionary actions" to properly define a "managerial employee" as it applies to State of Oregon and the Oregon University System employees. For context, we suggest that the impact of this change be examined as if it were to apply elsewhere, particularly at the State level.

Eliminating the "**effective recommendation**" terminology from the statute, regardless of what class of employee it is proposed for, blurs the necessary separation between labor and management, is impractical, imprudent and not without impact. We urge your opposition to SB 1518.