



OREGON STATE FIRE FIGHTERS COUNCIL

International Association of Fire Fighters
AFL-CIO CLC

February 19, 2014

The Honorable Margaret Doherty, Chair
Oregon State House of Representatives
House Business and Labor Committee

Dear Chair Doherty & Committee Members:

Background: Under the 1973 Public Employees Collective Bargaining Act, front line fire fighters who shared similar duties and responsibilities with their fellow fire fighters, but did *not* have authority to hire, discharge, or impose economic discipline – had the right to bargain wages, hours and working conditions. This changed in 1995 with the passage of SB 750 in a major sweeping change to Oregon's collective bargaining laws. While these changes were intended elsewhere – they have impacted fire fighters. Under the current law and definition of a supervisor, many "lead workers" in the fire service similar to a journeyman electrician can be deemed to be supervisory in nature and therefore ineligible to bargain collectively as part of a bargaining unit. SB 1518 will correct this inequity and restore the basic protections of the Public Employees Collective Bargaining Act for your front line fire fighters.

What the bill will not change: This bill will not allow fire chiefs and many executive officers within the fire service to join a union. The reason for this is that these workers are already excluded from participating in a bargaining unit by the fact that they are considered "confidential employees". Confidential employees by law are prohibited from participating in a bargaining unit. This bill will also not change administrative rules that require employees interested in joining a bargaining unit to show a minimum of a 30 percent interest within the affected classification or rank. After a 30 percent interest is confirmed by ERB, a certified secret ballot election is held where a majority of individuals within the rank or classification must support joining the bargaining unit. Even if a majority of the individuals within the classification or rank elect to join the bargaining unit, the employer can still request a unit clarification to determine whether or not these employees are appropriate or eligible to participate in a bargaining unit. Simply put, Fire Chiefs and executive officers of the fire service were not eligible to participate in a bargaining unit prior to 1995, and with the passage of SB 1518 this will not change. Lead workers and some mid-level fire fighters similar to a charge nurse will once again retain their right to join a bargaining unit – the same right many hard working Oregonians have like electricians, plumbers, brick layers, and other trade unionist.

What the bill will do: This bill will improve successor planning for the fire service. With the change in the law since 1995, more and more individuals who would be excellent chief officers and executive managers are forgoing promotions in order to retain economic security for their family - especially in these tough economic times where reductions and cuts in staffing are real. The reason people are not promoting or even testing to promote is that many of the current low to mid-level management positions in public safety are basically "at will" positions where there are no job protections in many instances or if there are, they are minimal. A narrowing of the pool of candidates who elect not to promote because of the current statutory language defining who is a supervisor and who is not, is not good for public safety or the citizens of Oregon. Each and every day fire fighters in Oregon and throughout our nation answer the call to duty and are willing to give the ultimate sacrifice to protect lives, property, and the environment. We believe fire fighters deserve the right to bargain over wages, hours and working conditions similar to other workers.