



OREGON AFSCME

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House Committee on Business and Labor

Chair- Representative Paul Holvey

Vice Chair - Representative Brent Barton and Representative Bill Kennemer

Committee Members - Representative Greg Barreto, Representative Margaret Doherty, Representative Sal Esquivel, Representative Paul Evans, Representative Shemia Fagan,

Testimony on 2015 Session House Bill 2805

Honorable Chair Representative Holvey and members of the Committee, my name is Tim Woolery and I work for Oregon AFSCME Council 75 and serve as the Lead Negotiator and Corrections Coordinator for the majority of the Oregon Department of Corrections employees who also happen to be Oregon AFSCME members. Approximately 1,800 Correctional Security employees who are strike prohibited and 1,250 other employees who work in various other classifications are covered by two separate collective bargaining agreements between AFSCME and the State of Oregon.

I urge you support for voting in favor of recommending a 'do pass' on the amended version of House Bill 2805. This bill proposes a minor change in statute Oregon Department of Corrections employees that is equivalent to a change approved by this body several sessions ago. I speak of the adopted language in statute that can be found in ORS 243.746 (4) (e) (D) *For the Department of State Police troopers, "comparable" includes the base pay for city police officers employed by the five most populous cities in this state.* House Bill 2805 basically seeks to add identical language that in essence provides that "comparable" for Oregon Department of Corrections employees include the base pay for the three most populous counties in this state'.

Historically, the Oregon Public Employees Collective Bargaining Act or specifically ORS 243.746 was significantly modified via SB 750 in 1995. Those changes were to set out in statute a set of criteria for the Arbitrator to base their decisions upon and further restrictions by requiring the Arbitrator to select one or the other entire package or adopted a winner take all approach.

Since the adoption of the changes in 1995 the non-strikable unit of AFSCME Security employees and the State of Oregon has proceeded to Final Binding Interest Arbitration on only four occasions. IA 03-99 in July 1999, IA 07-01 in November of 2001, IA 11-03 in November 2003 and IA 09-09 in May of 2010.

- 1) IA 03-99 the Union prevailed in a non-economic Interest Arbitration dealing solely with the definition of Job Bidding Seniority.
- 2) IA 07-01 the Union prevailed in another Interest Arbitration once again on the definition of Job Bidding Seniority and also a small 0.5% difference in wage increase proposal of the Union proposing 2.5% and 3% and the State of Oregon proposing 2% and 3%.
- 3) IA 11-03 the State of Oregon prevailed in this Interest Arbitration dealing chiefly with the Union trying unsuccessfully to prevent the State's proposed imposition of a Step Freeze.

- 4) IA 09-09 the State of Oregon prevailed in this Interest Arbitration chiefly dealing with the manner in which Unpaid Furloughs were implemented and whether or not to roll back a previously negotiated and implemented Step Advancement.

Similarly, AOCE or the other Labor organization which represents about twenty percent of the Oregon Department of Corrections employees has also proceeded to Interest Arbitration on four occasions with the State of Oregon since 1995. IA 13-95 in October of 1995, IA 06-99 in November of 1999, IA 18-01 in March of 2002 and IA 13-03 in April of 2004.

- 1) IA 13-95 was the first Interest Arbitration subsequent to the significant changes adopted by SB 750. Disregarding the statutory language - the State of Oregon argued that the primary comparator should be internal or other DOC employees, the second priority comparator should be the Counties that had DOC Facilities, the third priority comparator should be the I-5 corridor Counties and the fourth priority should be the surrounding States. The Association prevailed in this Interest Arbitration that mainly dealt with Wages, Incentive Pay and other Compensation.
- 2) IA 06-99 had the State of Oregon prevail in this Interest Arbitration during which the Arbitrator concluded that the Association's utilization of Oregon Counties as comparators had statutory merit as well as the State of Oregon's use of State comparators. The chief issues were Total Compensation, Premium Pay, Bidding Procedures, Personnel Files and Employee Rights. The Arbitrator found that all proposals by the Association were unreasonable except Bidding Procedures thus awarding his ruling in favor of the State of Oregon.
- 3) IA 18-01 had the State of Oregon prevail in this Interest Arbitration dealing with a large number of issues including Wage Increase total of 10% by the Association against a proposed 5.5% by the State of Oregon over the two years as well as numerous Incentive or Premium Pay and other compensation increases proposed by the Association along with several non-economic language proposals.
- 4) IA 13-03 had the State of Oregon also prevailing in this Interest Arbitration dealing with the length of a Step Freeze and a multitude of other issues (Approximately 20 by the Association and 5 by the State of Oregon).

The record shows that the State of Oregon and the Labor Organizations reached an agreement in 60% of the contract negotiations and only required proceeding to arbitration in 40% of the negotiations. The record also shows that in eight Interest Arbitrations since 1995 the State of Oregon has won five out of eight or more than 60% of the time. The record finally shows that many of the Arbitrators in the above eight Interest Arbitrations between the State of Oregon and Correctional Labor organizations – the Arbitrator already considered internal County comparison when evaluating the Final Offer proposals. House Bill 2805 is a minor change that removes ambiguity and unnecessary debate by simply specifically and more clearly identifying that the three largest Oregon Counties will also be included as a comparator for the Arbitrator to consider.

I will be happy to answer any questions that you may have and once again I urge your support for House Bill 2805.

Tim Woolery
Oregon AFSCME Council 75