

March 23, 2015

Chair Holvey and Members of the House Business and Labor Committee:

**RE: Testimony in Support of House Bill 2978**

Good morning Chair Holvey and committee members. My name is Dave Benson and I am here to testify in support of HB 2978. My testimony is my personal opinion and does not reflect the opinions, positions or policies of any other individual, group or governmental body.

From October 1984 until retirement in July 2011 I was a sworn member of the Portland Police Bureau. I served in a variety of assignments and positions in the bureau and rose through the ranks from officer to commander of two of the city's three precincts, the Drugs and Vice Division and the Tactical Operations Division. As part of my job, I served as a Critical Incident Commander during high risk situations requiring deployment of the Special Emergency Reaction Team and have commanded officers during protests and protest marches both small and large, sometime numbering 25,000 or more participants. I have literally been present for hundreds of situations that had the risk to both life and property.

In addition to these duties, from January 1995 until my retirement I was a representative of the Portland Police Commanding Officers Association, and for the majority of that time I served as President of the union.

During those years as the lead negotiator, we won collective bargaining agreements and processed grievances. During my tenure, the Association was always able to engage in and resolve contract negotiations without ever having to request assistance from a neutral third party. In addition, I was usually able to negotiate disciplinary matters with the City of Portland, up to and including termination, without a third party review. On only on a handful of occasions did we have to resort to a "dispute resolution process" to resolve our differences. In each of these cases the Association prevailed in whole or in part. In short, the Portland Police Commanding Officers Association was, and I believe still is, a labor organization that carefully evaluates issues and works hard to resolve disagreements with the City before using the "dispute resolution" which is always an avenue of very last resort. This relationship between the City of Portland and the Association was successful and led to a better-trained and educated workforce.

The handful of command personnel who lead the men and women of the Portland Police Bureau work in an environment where expectations are impossibly high and where every decision they make is reviewed and scrutinized. This scrutiny and review is much more intense

than levied on virtually any department in the state. These people risk discipline or even termination as a result of public outcry and not objective factors weighed against a reasonable standard, and deserve to be reviewed by their colleagues before these types of incendiary actions are taken. Lacking this protection, we all should worry that these commanding officers will opt to make defensible or popular decisions instead of the *right* decisions during critical events. Knowing that they have a bargaining unit to support them, Portland commanding officers can make the tough, correct decisions. They expect and want to be held accountable for their decisions, but only ask that their decisions be fairly evaluated. For these law enforcement officers having a collective bargaining unit helps ensure fairness.

The Portland Police Bureau is an outstanding law enforcement agency that is uniquely capable of learning and making changes to keep pace with a dynamic, hyper-charged social and political environment. Representation of these managers by a collective bargaining unit puts the organization on better footing to be held accountable, learn and change.

I appreciate your time and urge you to support House Bill 2978.

Dave Benson