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## RE: Testimony in Support of HB 2978

My name is Hank Kaplan. I am an attorney in Portland, and I have had the privilege of representing the Portland Police Commanding Officers Association (PPCOA) for more than 25 years.

### History of the Portland Police Commanding Officers Association

PPCOA was first recognized voluntarily by the City of Portland in 1988. Until 2014, PPCOA had always been comprised of the Lieutenants, Captains, and Commanders of the Portland Police Bureau; it has been a model of how collective bargaining serves the best interests of the City, its employees, and the public. It has been at the forefront of implementing community policing. Whenever the Bureau asks for a new training regimen, PPCOA implements it. When the Department of Justice asked the Bureau to add programs for dealing with the mentally ill, PPCOA got right to work on the details of the new program.

In 1995 Senate Bill 750 - aimed at curbing the collective bargaining rights of teachers - ended up harming police officers by removing the right of some supervisory officers to proactively bargain. Perhaps recognizing that there was no good reason to apply this law to police, the City left PPCOA intact for the next 19 years.

In 2013, within months of taking office as Portland's Mayor, Charlie Hales announced his intent to disband PPCOA. He publicly admitted there was no dysfunction that needed fixing, but expressed his belief that those who may perform managerial functions should not be members of a union. After protracted litigation, the City managed to exclude most of the captains, based on their ability to assign work to subordinates, something many private-sector unionized lead workers do routinely.

When legislation similar to this bill came to the Legislature in 2013, the Portland City Commissioners sent a letter that talked about the pending Department of Justice investigation on use of force, and said that the bill "may result in members of a bargaining unit supervising implementation of the very policies their union is currently suing to enjoin." That was false; PPCOA wasn't suing anybody. They were *leading* the implementation of those fundamental reforms while the Portland Police Association, the rank and file union, filed a lawsuit. The City Commissioners lied to the Legislature.

## **HB 2987 restores PPCOA's 24 years of successful policing**

Oregon does not allow for union-busting. We are a state that believes in its employees and their right to speak with one collective voice. We are a state built on the back of labor.

Serving as a commanding officer requires skill, courage, and tact. Commanding officers make decisions that may be unpopular, but that are vital to public safety. Commanding officers in a union can make tough calls that they feel will best serve the public, knowing that in the final accounting they will be able to defend their decisions before an impartial arbitrator. They deserve basic protections and rights that most workers in the private and public sector already enjoy through collective bargaining. Commanding officers without contract protection must balance the *best* solution against the *most popular* solution – the one *least* likely to subject them to criticism and public scrutiny, regardless of whether it is in the public interest.

Mayor Hales' decision to attack PPCOA was a solution searching for a problem. PPCOA is comprised of dedicated career officers who deserve the protection of a contract. None of Mayor Hales' predecessors tried to disband PPCOA because they took the time to understand the role and value of PPCOA in the Police Bureau, rather than declaring war on this union within their first few months in office.

We urge you to support this bill and restore what was a productive status quo for 24 years.

Respectfully,

A handwritten signature in cursive script that reads "Hank Kaplan". The signature is written in black ink and is followed by a horizontal line.

Hank Kaplan