



Oregon School Employees Association

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Chair Doherty and Members of the Committee:

My name is Tyler Shipman I am a government relations specialist with the Oregon School Employees Association (OSEA). Our association represents over 21,000 education employees across the state, including K-12 public schools, education service districts (ESDs), community colleges, Head Starts, park and recreation districts and libraries. I am appearing today on behalf of OSEA to speak in support of House Bill (HB) 2651.

The Public Employee Collective Bargaining Act (PECBA) is the legal foundation for the collective bargaining relationship between employers and represented employees in Oregon school districts and other public agencies. The parties are required to negotiate compensation, benefits, workload issues and working conditions through a prescribed bargaining process. The process requires the parties to meet and bargain in good faith and, in the end, execute a written contract for a negotiated period of time. The Employment Relations Board (ERB) is the administrative body that oversees PECBA.

Language provisions in collective bargaining agreements (CBAs) can be broken down into three categories: mandatory, permissive and prohibited subjects of bargaining. ERB uses a balancing test to determine what category language falls into if not previously determined or if there is a disagreement between the parties. Mandatory subjects are language provisions that ERB or state statutes have determined must be negotiated between parties if a proposal is brought forward. Mandatory subjects of bargaining include wages, benefits and conditions of employment.

Permissive subjects of bargaining are proposals that the parties are not required to negotiate if a proposal is brought forward and the opposing party does not want to negotiate over the provision. There is a process that must be followed when declaring a language proposal permissive, but essentially one of the bargaining parties may refuse to negotiate over a permissive proposal. Prohibited subjects of bargaining are proposals that cannot be negotiated. For example, employers and represented employees cannot negotiate over language that allows for a violation of public policy.

This background information is necessary as the Legislature considers HB 2651 which would make class size a mandatory subject of bargaining. Oregon has seen increasing class sizes over the last few years which impact not only regular classrooms, but also special education (SPED) classrooms that our members work in every day. The Oregon Education Association (OEA), OSEA and American Federation of Teachers-Oregon (AFT-Oregon) issued a survey to our members and 1,988 employees responded sharing their concerns. More than 50 percent of respondents felt that their school was not adequately staffed to protect students, teachers and staff from behaviors that result in assault. From 2006 to 2014 there was a 6 percent increase in the number of SPED students in Oregon, yet in that same time

period there was a 5 percent decrease in the number of full-time equivalent (FTE) SPED paraprofessionals. This means less of our members are working with students in the classroom.

When our members submit a bargaining proposal that relates to class size, the district can refuse to bargain over it simply by declaring the language permissive. HB 2651 would include class size in the definition of employment relations, making it a mandatory subject of bargaining. This change would require districts to bargain class size issues that directly impact our membership. As our members are being asked to manage more and more students, making class size a mandatory subject of bargaining just makes sense.

Class size has increasingly been problematic for our members and made worse by shrinking school budgets and increased school attendance. With an increased number of students, our SPED assistants are not able to provide the support and assistance with instruction that is required of them. This not only decreases the quality of support our members can offer educators and students, but also limits our members' ability to ensure a safe environment in classrooms. To ensure quality instruction and school safety, our members need to be able to address class size issues through collective bargaining.

I urge your support in HB 2651 because it would allow school district employees the ability to address the class size problem during negotiations.

