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Via email: jwmgg.exhibits@oregonlegislature.gov

Senator James Manning Jr., Co-Chair
Representative Greg Smith, Co-Chair
Joint Committee on Ways and Means, Subcommittee on General Government
Oregon State Capitol
900 Court Street NE, Hearing Room 178
Salem, Oregon 97301

Re: Statement in Support of HB 5008—the Budget Request for the Employment Relations Board

Dear Co-Chairs Manning and Smith:

My name is Mike Tedesco and I am the founding partner of Tedesco Law Group, a labor law firm that represents labor unions across Oregon. Our public sector clients include, among others, the Oregon School Employees Association, the American Federation of Teachers, United Academics at the University of Oregon, the Oregon State Firefighters Council and most Oregon firefighter unions, the Association of Engineering Employees of Oregon, and several local unions affiliated with the International Brotherhood of Teamsters. The attorneys in my firm practice regularly before the Oregon Employment Relations Board (ERB), handling unfair labor practices, filing union representation petitions, and using ERB's mediation services to resolve labor disputes.

Please accept this letter in support of the ERB's budget request contained in HB 5008. Over the past five years, ERB has eliminated a significant backlog of cases and now consistently processes cases and issues decisions in a timely manner. By way of example, in 2012, the average time it took an administrative law judge (ALJ) to issue a recommended order in a case was 211 days. Currently, it takes an average of only 69 days for an ALJ to issue a recommended order. Similarly, in 2012, it took the Board an average of 132 days to issue a final order; it currently

takes an average of 26 days. This is a remarkable turnaround for an agency that was struggling.

In addition to improving its case processing, ERB has also undertaken several steps to improve the overall functioning of the agency. For example, ERB established a rules advisory committee that helped the agency complete a comprehensive revision of its rules for the first time in decades. The new rules are shorter, more concise, and allow the agency and constituents to take advantage of modern technology in ways that the previous rules did not allow. ERB is also nearing completion of its electronic case management system and, if the budget request is approved, ERB will also develop an electronic case filing system that will allow parties to file and serve documents electronically. This change will reduce the time and expense of paper filings, and will be more efficient for the agency as well.

ERB's Conciliation Service has also increased the number of dispute resolution trainings it provides, helping employers and unions resolve their problems without the need for litigation. These additional, proactive attempts to promote positive labor relations have come even as ERB's mediators remain in high demand to aid parties in resolving grievances, unfair labor practices, and disagreements that arise when the parties are negotiating collective bargaining agreements. Janet Gillman, the State Conciliator, has been a key proponent of these changes, and has been instrumental in preventing significant labor disputes from interrupting public services.

We fully support and appreciate all of the changes that ERB has made in the past few years, and continues to make today. It is very important to the labor and management communities that these positive changes continue, so we strongly support the budget request to reclassify the executive service positions within ERB. It is vital that the agency be able to recruit and retain the best possible people for these jobs. The compensation changes will help to make that goal achievable. Without these changes, we fear that ERB will lose excellent public servants like State Conciliator Janet Gillman, which would be a significant blow to the State. Additionally, the compensation changes will promote stability on the Board itself by making the position more competitive with employment in the private sector. We also strongly support authorizing the agency to use its existing funds to create the electronic case filing system.

Union and management lawyers don't always agree on much. We practice in an area of law that at times can be divisive and contentious. But lawyers on both sides will agree that a strong, well-funded and efficient Employment Relations Board is absolutely necessary to provide labor peace in Oregon's communities. We urge the subcommittee to approve HB 5008.

In addition to this written testimony, I look forward to testifying at ERB's budget hearing on February 20, where I will provide additional information and answer any questions from subcommittee members.

Sincerely,

/s/ Michael J. Tedesco

Michael J. Tedesco