



STATEMENT RE: Arbitration Examples

To: Joint Committee On Transparent Policing and Use of Force Reform

From: Michael Selvaggio, Oregon Coalition of Police and Sheriffs

Date: August 5, 2020

Co-Chairs and Members of the Joint Committee:

Earlier this morning this committee heard from representatives of Oregon's police chiefs and sheriffs, who broadly indicated their concerns with the current arbitration process in place. Specifically, we heard that it was "very difficult" to fire or dislodge officers with track records of misconduct.

This has not been ORCOPS' experience -- rather, we are more familiar with cases in which arbitration has prevented the inappropriately disproportionate application of discipline. In fact, these workplace protections have ensured a level playing field and equitable opportunities for advancement for thousands of minority public employees.

We invite the witnesses to provide examples of arbitration proceedings in which they found an officer with a "track record" of misconduct difficult to subject to discipline as a result of arbitration in the last ten years. These examples could be in the form of appropriately redacted records of arbitration rulings with appropriate documentation. (Ten years is the period since the last substantive adjustment to the section of ORS 236.360 in which the "just cause" standard is applied to law enforcement officers; Oregon Laws 2009 Chapter 716.)

This would certainly help to ensure that management's legislative efforts are appropriately addressing an actual problem, as well as illuminate ORCOPS and the Committee as to specifically what kind of additional personnel discretion management believes is required.