



## **STATEMENT RE: LC 746**

### **(ARBITRATION)**

**To:** Joint Committee On Transparent Policing and Use of Force Reform  
**From:** Michael Selvaggio, Oregon Coalition of Police and Sheriffs  
**Date:** September 1, 2020 / 2:00pm

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Co-Chairs and Members of the Joint Committee:

For the record, my name is Michael Selvaggio, representing the Oregon Coalition of Police and Sheriffs (ORCOPS). For your consideration on LC 746, which establishes a Commission to promulgate standards of conduct and discipline superior to the existing process, we ask that you do not move the legislation forward at this time.

Despite uniform assurances over the past year that the Legislative intent was not to supersede a collective bargaining agreement, LC 746 does just that: repealing the just-passed SB 1604 and replacing it with a Commission-led process and circumvention of “just cause” review by arbitrators.

Essentially, LC 746 would for the first time set up a “lower tier” of Oregon’s Public Employees Collective Bargaining Act for some employees (here, law enforcement officers), where those employees’ access to an arbitration process would be effectively rendered moot in many cases.

Further: If we, as a state, acknowledge that implicit bias and institutionalized racism exist within all levels of our public infrastructure, then it follows that endowing supervisors and employers with even greater discretionary powers over personnel cannot be expected to lead to more equitable outcomes.

We are opposed to LC 746 as-is, and request that such a large change to Oregon’s Public Employees Collective Bargaining Act not be undertaken in a foreshortened, remote-access special session.

**(Please see attached statement from August 5 asking for specific examples of what this measure is trying to address.)**



## **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

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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.