

State Representative Margaret Doherty
House District 35
Tigard and SW Portland
900 Court St NE, H-282 Salem Oregon



September 3, 2020

Co-Chairs Bynum and Manning and members of the committee

My name is Representative Margaret Doherty and I represent HD 35-Tigard and SW Portland. I am here today to express my opposition again to LC 746.

When I testified on July 31, 2020, I said that during the last session, I supported the concept because the matrix was to be bargained between the union and management. In the current proposal, which has basically not changed from the July 31 draft, the matrix and discipline is removed as a mandatory subject of bargaining and it put into the hands of an outside committee that will basically make the rules for the collective bargaining agreement (CBA). It also takes away the long practice of how you choose an arbitrator. In the dozen or so arbitrations I did when I worked for the OEA, we were given 5 arbitrators from the list compiled by the Employment Relations Board and the union and management representatives eliminated until we had one. In this proposal the ERB will make the choice, which could be political since the Employment Relations Board is appointed by the governor. Pressure could be put on them to choose a certain individual.

The bill also put language in place that ties the hands of the arbitrator when it comes to discipline. I know this will be a surprise to many, but management does not always do a very good job managing. That is why there is a neutral third party to determine the fairness of the discipline.

Although this LC does not currently affect other public employees, the precedence set by the proposal should be troublesome to every public employee. In fact, after I testified in July and made that statement an LC was drafted that put all public employees in a situation where an outside board, not the local groups would bargain discipline. It was a move to weaken unions in Oregon.

As someone who began working when we did not have the right to bargain, it is a topic that is very important. I did not picket for weeks before work to get the Public Employees Collective Bargaining Agreement (PECBA) or worked for 25+ to insure these rights were protected, to have a political committee, made up of non-practitioners or union employees to make the decisions that should be done at the bargaining table.

I urge you to vote against LC 746 moving forward.

Sincerely,

Margaret Doherty

Representative Margaret Doherty