



Letter in **OPPOSITION** to Senate Bill 437

To: Senate Committee on Judiciary
From: Michael Selvaggio, for Oregon Coalition of Police and Sheriffs
Date: February 12, 2019

Mr. Chairman, members of the committee:

The Oregon Coalition of Police and Sheriffs (ORCOPS) represents line officers and sheriffs' deputies throughout the State of Oregon. We are the state's largest law enforcement organization, and are comprised of over forty local law enforcement associations -- from such communities as Eugene, Keizer, Malheur County, Clackamas County, and Benton County, to name a few.

We come today in strong **opposition to SB 437**, which seeks to unravel Oregon's long-standing collective bargaining laws and to provide legislative approval for breaking mutually agreed-upon contracts between workers and management.

Oregon's collective bargaining laws, or PECBA, has helped to rationalize employee-employer interactions and provide standard processes since 1973. Since that time, the Legislature has made various adjustments to the sideboards, regulations, and allowances contained therein, but has not -- to this point -- given a *carte blanche* to local employers to develop their own processes.

In 1978, the Oregon Supreme Court sided with the Public Employees Retirement Board against the City of La Grande in affirming that local governments may not simply legislate around PECBA to establish their own collective bargaining laws. In 1981, that principle was further affirmed by the state's Supreme Court in *City of Roseburg vs. Roseburg City Firefighters Local 1489*.

What SB 437 seeks to accomplish is to grant local ordinances a supremacy to existing state law with regard to PECBA's arbitration guidelines. While this would have little effect for jurisdictions

that choose not to act upon this new power, it would nevertheless mean that collectively-bargained processes were now at the mercy of policy decisions by future city councils or county boards of commissioners. Such a power imbalance would drastically damage the integrity of those negotiations as well as the resulting contracts.

As an example: Currently, many bargaining units have signed contracts with employers that, in part, provide for specific arbitration and discipline processes. This measure, if passed, would allow a local government to simply adopt an ordinance providing that a governing body such as a city council -- or even a specific councilor -- has unilateral and subjective authority to fire or otherwise punish employees who are subject to that arbitration process.

In the wake of national and local news stories that sensationalize the transgressions of individual public servants, we understand the importance of rebuilding and strengthening the trust between public employees and the communities they serve. Because of the nature of ORCOPS' members' jobs, this charge is even more vital when it comes to law enforcement officers. For that reason, ORCOPS has been working with the Legislature for a number of years now to collaboratively develop policies that address these gaps: helping to establish state guidelines on the use of bodycams, preserving Oregonians' ability to film police officers, working cooperatively with a wide coalition in developing anti-profiling policies and improving implicit bias training. We have worked to support better mental health services and to provide resources for young people experiencing homelessness. We stand ready to continue to build these connections.

But building trust on the basis of being able to break existing contracts is an inherent contradiction.

SB 437 flies in the face of decades of policy, at least two Supreme Court opinions, and the contracts that thousands of our members believed would be honored by their signatories. We expect that even the possibility of this legislation passing will have a chilling effect on future contract negotiations; please do not move the legislation any further.

We urge a NO vote on SB 437.

Thank you.

Michael Selvaggio