



OREGON AFSCME

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March 11, 2018

Oregon Legislature
House Committee on Business and Labor

RE: Testimony in support of HB 2016

Dear Committee Members:

I am legal counsel for the American Federation of State, County, and Municipal Employees (“AFSCME”) Council 75 and offer the following testimony in **support** of HB 2016. My testimony focuses on Sections 5, 7-8, and 11. With over 25,000 members statewide, Council 75 oversees hundreds of collective bargaining agreements with public employers. If passed, HB 2016 will codify existing nation-wide best practices so they may be uniformly implemented.

Section 5

Section 5 gives exclusive representatives “reasonable access to employees within the bargaining unit,” including the right to meet with new employees during orientation, and the right to meet with existing employees about “employment relations” on the employer’s premises. The meetings may not, however, interfere with the employer’s operations. Section 5 also specifies precisely what employee contact information the employer will provide to the exclusive representative. Finally, Section 5 provides that the exclusive representative may use the employer’s email system to deliver messages to members.

None of these rights are new. Most public employers in Oregon currently provide exclusive representatives with reasonable access to the bargaining unit. Most provide the use of their facilities for meetings, and the use of their communication systems to make announcements. Similarly, public employers currently provide unions with the contact information of bargaining unit members. The reason I support this amendment is because it gives clear direction to employers and labor organizations about access and will ensure that all public employees are afforded the same opportunities.

Sections 7-8

Consistent with Section 5, Sections 7-8 address access to and communication with bargaining unit members. Section 7 adds labor organization access to and communication with represented employees to the definition of “employment relations.” Section 8 amends the statement of legislative purpose, and declares that it is in the public interest that exclusive representatives have access to bargaining unit members so that they may carry out their statutory duties.

Section 11

Section 11 makes it an unfair labor practice for an employer to attempt to influence an employee to resign or decline union membership or revoke authorization to deduct union dues. It also makes it an unfair labor practice for the employer to allow a third party to use the employer's email system to contact employees to discourage union membership or dues deduction authorization. Finally, it clarifies existing public records law to prohibit the release of any portion of an employee's personally identifiable information, including home address, telephone number, email address, or date of birth.

It is already an unfair labor practice for an employer to "[i]nterfere with, restrain or coerce employees" in the exercise of PECBA-protected rights, or to "[d]ominate, interfere with or assist in the formation, existence or administration of any employee organization." ORS 243.672. In other words, employers must remain neutral and not encourage or discourage union membership. Section 11 is in the same vein with existing prohibitions.

For the foregoing reasons, AFSCME Council 75 supports HB 2016.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Kirschnick".

Margaret Kirschnick
Legal Counsel
Oregon AFSCME Council 75