



To: Senate Committee on Workforce
From: Lori Sattenspiel, Director of Legislative Services
Re: House Bill 2016-A
Date: April 17, 2019

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Chair Taylor, Vice Chair Knopp, and members of the Senate Committee on Workforce,

On behalf of OSBA membership, including 197 school districts, 19 Education Service Districts, and 17 community colleges throughout the state of Oregon, thank you for the opportunity to testify in opposition to House Bill 2016.

OSBA understands HB 2016-A to be a union response to concerns raised following the 2018 United States Supreme Court decision in *Janus v. AFSCME*. While we recognize that the *Janus* case is a major concern for our union colleagues, this bill would mandate a costly, one-size-fits-all approach to labor relations, one that does not consider potential ramifications on school districts big and small and does not restore what was lost under the *Janus* decision.

The very issues the bill addresses are already negotiated between the parties under the Public Employees Collective Bargaining Act (PECBA). Enacting HB 2016-A would impact school districts statewide. Currently, at least 115 licensed collective bargaining agreements and 77 classified agreements have existing language that may be impacted by HB 2016-A, including Portland Public Schools, Beaverton SD, Tigard-Tualatin SD, Lake Oswego, Springfield, Eugene 4J, and Medford SD.

For decades, the Employment Relations Board (ERB) has upheld the structure in which public sector employers and unions operate under the PECBA. This structure dictates that employers and unions engage in a bilateral process of coming together and negotiating contemporaneous issues and conflicts until agreement is reached. The process, even in the worst of circumstances, always ends in a form of agreement.

This bill would upset that balance, damaging the bilateral relationship between employers and employee representatives by hammering a multitude of provisions into statute. Over the life of the PECBA, the parties have successfully negotiated

these provisions. Sometimes the process is contentious, not all agreements are the same, and not all agreements end with either party getting everything it wants. That is the very nature of a bi-lateral relationship and system as it is designed under the PECBA. Passage of this bill would send a message that if negotiation does not yield all that is proposed, the Legislature will step in to mandate an outcome, choosing one side over the other. This would be an unfortunate precedent to set, potentially damaging student outcomes and employer-employee relations.

For specific concerns, please find included with this testimony a memorandum listing, section-by-section, parts of the bill that will be costly and problematic to implement.

Thank you for your time and consideration. I encourage your opposition to HB 2016-A.