



OREGON STATE FIRE FIGHTERS COUNCIL

International Association of Fire Fighters
AFL-CIO CLC

February 10, 2020

The Honorable Floyd Prozanski
Senate Judiciary Committee Chair
Oregon State Senate

RE: Oregon Fire Fighters ask a No vote on Senate Bill 1567

Chair Prozanski and Committee Members:

SB 1567 attacks the tenets of the collective bargaining rights of public employees that have made Oregon a model for progressive states nationwide. In 1973, the Public Employees Collective Bargaining Act (ORS 243.600 et seq.) permitted public employees' rights to bargain with their employers collectively. It was considered then a vital part of the State of Oregon's public policy to allow labor unions and associations the right to engage with their employers for the public good.

SB 1567 will compromise 47 years of collective bargaining in this State by allowing public employers to ignore the standards of just cause. Under this act, due process need not be considered, and mitigating circumstances can be ignored. This destroys the concept of just cause, which is a bellwether concept of labor relations that extends back to the 1930's. An essential part of collective bargaining is the nearly universally used concept of just cause for discipline. Just cause is a term of art that requires employers to justify the discipline of employees based upon three basic principles:

1. That the employer proves the assertions against the employee are valid.
2. That the employer provides due process to the employee.
3. That the employer considers mitigating circumstances, such as length and quality of work history, the complicity of management in not sufficiently training employees for the task for which the employee is being disciplined for, in addition to other factors.

In Section 1 (3), the bill requires that the authority of an arbitrator can be limited should there be "misconduct by a sworn public employee of any law enforcement agency." This phrase will have the impact of statutorily negating the long-held and cherished labor relations concept of "just cause".

Further, the terms "sworn public employee" and "law enforcement agency" has an ambiguous meaning which could result in public employees other than police and correction officers, subject to this section. In the fire service in Oregon, fire fighters are sworn-in to do their required tasks. Some of these firefighters have the responsibility to perform as part of SWAT units with their jurisdiction's police officers. Additionally, Deputy Fire Marshals and many other fire department job classifications throughout the State are public employees engaged in code enforcement that



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can result in fines and criminal sanctions to persons and businesses who violate the law. Employers can argue that firefighters performing these tasks are public employees who are engaged in "law enforcement" for their respective agencies. Accordingly, under this bill, many, if not all, publicly paid firefighters will be subject to section 1, subsection (3) of this bill. Our understanding of the intent of the drafters of this bill is that it applies only to police and corrections officers; thus, the language in the bill does not fit the drafters' intent. The language proposed in SB 1567 will restrict the labor relations rights of hundreds of public employees who are not associated with either police or correction officers but are considered "sworn public employees".

SB 1567 will create unintended consequences, creates confusion in the law as to application, and attacks the just cause provisions of the workers who provide public safety services to our communities and to our state. Oregon's fire fighters urge a no vote on SB 1567.

Respectfully,

Karl Koenig
President
Oregon State Fire Fighters Council