



Oregon School Employees Association

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Senate Committee on Judiciary
Sen. Floyd Prozanski, Chair

Dear Chair and Members of the Committee:

The Oregon School Employees Association (OSEA) represents more than 22,000 workers in nearly all levels of public education, including Head Start programs, K-12 school districts, ESDs and community colleges. OSEA members perform many of the thankless tasks that keep Oregon public schools safe and functional for students, administrators and teachers.

OSEA must strongly urge opposition to Senate Bill 1567, which would interfere with an active collective bargaining process and would diminish the role of disciplinary arbitration for public employees. Although SB 1567 specifically applies to law enforcement officers, it would establish deeply troubling precedents that affect all public employees in Oregon.

OSEA members understand the need to hold public employees to high standards, especially in critical roles in our schools and criminal justice system. But in removing an independent, objective arbitration process, SB 1567 fundamentally undermines the collective bargaining process and the essential role of arbitration in ensuring fair and transparent employment practices.

First and foremost, the Legislature should not be substituting its preferences for public employees' collective bargaining rights. In 2019, some provisions of SB 1049 suggested that legislators might be comfortable overruling the provisions of collective bargaining agreements—the trade-offs that employees have made with their employers—when it suited their politics. Passage of SB 1567 *during a short session* would start to form a frustrating pattern of undermining labor agreements. **The Legislature has established clear collective bargaining law in Oregon and must resist the temptation to insert its judgments into individual collective bargaining processes.**

Second, the role of arbitrators needs to be well understood. Employee discipline cannot be, and generally is not, a capricious process. Arbitrators help ensure that neutrality. For a discipline process to be fair to all involved, the parameters of behavior and punishment must be clearly spelled out and followed. Arbitration only occurs in cases where those processes have not been followed correctly. If SB 1567 prohibits an arbitrator from correctly applying the "just cause" standard of mitigating factors, aggravating factors, and past precedent, the process becomes highly biased in favor of the employer's discretion. The resulting selective enforcement can benefit those "in good" with management while disproportionately harming those employees most likely to be

marginalized for their gender or sexual identity, their race, their age, or other status. This is not a precedent we want to see established for a labor organization of any profession.

OSEA strongly urges you to allow Portland's bargaining process to play out and then to re-examine this issue. A short legislative session is not the time to wade into the middle of active contract negotiations. If any additional accountability measures are needed, beyond what the parties are able to do via bargaining, then those can be developed by stakeholders collaboratively and respecting the fundamental aspects of our collective bargaining system.

Thank you for your attention,

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