



## **STATEMENT OPPOSING SB 621**

***(BREAKING THE CITY OF PORTLAND'S PROMISE TO ABIDE BY PECBA LAWS)***

**To:** Senate Committee on Judiciary

**From:** Michael Selvaggio, Oregon Coalition of Police and Sheriffs

**Date:** March 9, 2021

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(TESTIMONY SCRIPT)

Chair Prozanski and Members of the Committee:

For the record, my name is Michael Selvaggio, here representing the Oregon Coalition of Police and Sheriffs in opposition to Senate Bill 621.

You've heard a lot of discussion about police accountability with regard to this measure. You've likely heard that this measure is somehow necessary for the City of Portland to implement its voter-approved oversight and accountability Measure, 26-217, which passed overwhelmingly last November.

But the Senate Bill before you is neither necessary nor warranted, and carries with it no voter mandate.

**Section 2-1001. City of Portland Community Police Oversight Board. A Board is hereby authorized and shall be established upon compliance with any legal obligations the City may have under the Public Employees Collective Bargaining Act, other state and federal laws, and upon adoption by City Council of an implementing Ordinance.**

When Portland voters overwhelmingly approved Measure 26-217 to amend the City's Charter to replace its existing police disciplinary system with a different disciplinary review board, the voters relied on an explicit promise by the City of Portland: that the City would collectively bargain with the police unions in Portland before implementing any new police discipline system. How do we know that? Because the City of Portland inserted that requirement in the text of the voter approved City Charter change: "A Board is hereby authorized and shall be established upon compliance with any legal obligations the City may have under the Public Employees Collective Bargaining Act..."

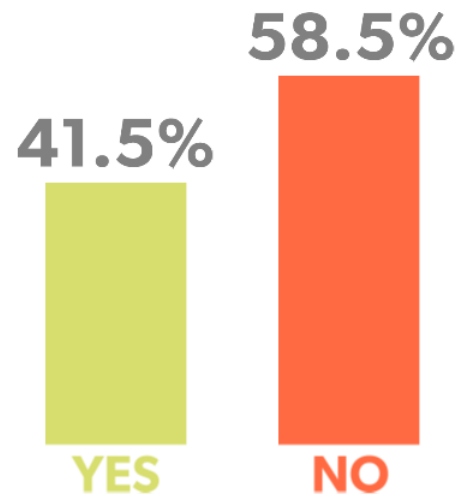
Senate Bill 621 would now overrule the will of Portland's voters and would allow the City to renege on its promise to the voters and its police union.

It's not possible to go back in time and re-run the election, but we put a poll in the field asking Portland voters if they still would have voted for the measure had they known beforehand about the City's plans to circumvent certain collective bargaining laws in order to implement the measure without bargaining. In our live-call polling universe of 309 voters, the measure ended up failing 41.5% - 58.5%, outside of a margin of error of 5.6%, as large numbers of voters who had voted in favor of the measure indicated that they would have voted no or not voted at all.

*n* = 309 Portland voters  
(First week of February 2021)

"The Portland City Council has asked state lawmakers to repeal certain statewide collective bargaining rights as part of the implementation of that measure."

Margin of error =  $\pm 5.6\%$



The City of Portland -- nor any other local government in Oregon -- does not need SB 621 to implement its charter amendment. The only effect of SB 621 will be to give the City of Portland a legislative pass to avoid its promises to the voters and its police officers so that the City can now unilaterally implement its measure without collectively bargaining.

To be clear: Despite the City's insinuation that this bill is necessary to "provide certainty on whether or not we need to bargain this," they know full well that discipline is CURRENTLY a mandatory subject of bargaining under Oregon law for all public employees, not just police

officers. What SB 621 does is deny police unions the collective bargaining rights they currently hold under Oregon law and the collective bargaining rights the City itself promised that it would honor when presenting its ballot measure to Portland voters.

Right now, the City of Portland and the Portland Police Association are actively engaged in collective bargaining contract negotiations. Per the terms of Oregon's Collective Bargaining Act, The City already has made a proposal at the bargaining table related to implementing its ballot measure.

But in order to attempt to secure an advantage in bargaining, this will be the third regular Legislative Session in a row that the City of Portland has come before you, asking the State Legislature to intervene at the local Portland bargaining table. This proposal would give the City an advantage by changing the rules after the fact and rigging the process so that the balance of the bargaining scales tips entirely in the City's favor. When the Legislature enacted the State collective bargaining law in 1973, it did so to ensure that the collective bargaining process balanced the interests of management and of the labor unions that collectively represent public employees.

Passing Senate Bill 621 would be a terribly dangerous precedent for the Legislature to set. Indeed, every local government would now feel compelled to come to the Legislature to change the rules to tilt the scales entirely in management's favor at local level bargaining tables, which would necessarily disenfranchise employees and their ability to meaningfully bargain over their working conditions.

Mr. Chair, members of the Committee: since its formation, ORCOPS has worked with you on advancing police accountability bills. When we disagree, we try to find an alternative approach. When bills were left unpassed in 2020, we actively participated in two Special Sessions on police reform and stood by our word when actively engaging to ensure that reasonable police accountability reform bills were passed. ORCOPS and its member organizations, including the PPA, live up to their promises. Similarly, the City of Portland must live up to its promise to the voters and the City police unions that the City will comply "with any legal obligations the City may have under the Public Employees Collective Bargaining Act."

To pass SB 621 at this point would be to reward campaign tactics that are, at best, misleading and likely changed the outcome of the election. It would mean placing the Legislature in the midst of an active bargaining process. It would mean acknowledging that Oregon's Collective Bargaining Act is the law of the land only until an employer wants to ignore it.

Please allow the City of Portland to meet its very public promise that was overwhelmingly approved by Portland voters: that the City will collectively bargain with the police unions over a new police discipline system in Portland, a process that is underway as we speak. Do not allow the City to break its promise by passing Senate Bill 621.

Thank you.