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To: Members of the Senate Committee on Business & Labor

From: Sheriff John Gautney, President
Oregon State Sheriffs' Association & Oregon Association Chiefs of Police
john.gautney@crookcountysheriff.org

Date: February 26, 2024

Re: Testimony re HB 4115-A, Definition of Supervisory Employee

Chair Taylor and members of the committee,

For the record, my name is John Gautney. I am the Crook County Sheriff and I have the privilege of serving as current President of the Oregon State Sheriffs' Association. I am here today on behalf of both the Sheriff's Association and the Oregon Association Chiefs of Police to offer testimony on HB 4115-A, a measure that developed because of a series of stakeholder negotiations over the weeks leading up to the 2024 Legislative Session.

Let me begin by acknowledging the collegial nature of the process we engaged in with ORCOPS to find agreement on the compromise that is before the committee today. We appreciate the willingness of Aaron Schmutz and ORCOPS to engage with us to discuss our concerns and consider options for addressing them.

By its very nature, collective bargaining is a process that can involve difficult conversations and intense negotiations with major implications for both management and labor. Our discussions regarding the definition of supervisory employees and the provisions of HB 4115 were no different. As with most negotiations over issues of consequence, the final product isn't perfect for either side, but we can accept the result.

Others have and will outline HB 4115 in detail, but I would like to note a few of our concerns that were addressed in the bill:

- We were concerned about the possible conflicts of interest that can occur when sergeants are in the same bargaining unit with the officers that they are responsible for supervising. The amendment addresses this concern by allowing sergeants to unionize prospectively in a separate bargaining unit and with their own separate collective bargaining agreement.

- We were concerned about members of the law enforcement management team with the rank of Lieutenant and above being subject to unionization based on the definition of supervisory as written in the original bill. The A-engrossed version of the bill preserves the existing right of Portland Police Bureau Lieutenants to collectively bargain but otherwise identifies police officers and corrections officers holding the rank of Lieutenants as “supervisory employees” who cannot unionize.
- Finally, we were concerned about the impact of sergeants forming a union in our smallest law enforcement agencies. As you know, we have over 60 agencies in Oregon with 10 or fewer sworn officers where sergeants are often the only management team members outside of the Sheriff or Chief of Police. Under the A-engrossed version of HB 4115, we believe that small agencies retain the ability to designate critical leadership employees as “confidential” or to shift authority to issue economic discipline downward in order to preserve the sergeants that comprise their management team.

It won't surprise you to know that accepting the proposed amendment language was a stretch for the members of the Sheriff's and Chief's associations and I suspect ORCOPS could say the same. I know this is the case in all good faith negotiations over legislation of importance.

Thank you for the opportunity to offer testimony on HB 4115-A.