

# Judge unable to determine whether public has the right to attend TriMet/ATU Local 757 negotiations

A Multnomah County Circuit Court judge wants more information from TriMet in order to resolve a legal fight the agency is having with Amalgamated Transit Union Local 757 on whether the public has a right to observe contract negotiations.

Local 757 says its members have the legal right to require that the negotiations be open to all stakeholders, including community advocates, the public, and the media, without restrictions. TriMet, in contrast, argues that labor negotiations aren't subject to Oregon's Public Meetings Law; it proposes to bar the public, and allow only media it deems acceptable.

Bargaining on a new contract was set to begin Nov. 30, but was put on hold until the legal question is resolved.

On March 21, Judge Leslie Roberts issued a 14-page opinion stating that it

is not clear whether the negotiating sessions are covered by state public employee collective bargaining laws or open meetings law. She asked the parties to submit information that clarifies the role of TriMet's general manager, labor relations director and bargaining team in the bargaining process.

"Rather than clearing the way for new contract talks to move forward, the judge's opinion indicates that TriMet's process for negotiations remains murky and confusing," said Local 757 President, Bruce Hansen. "That confusion left the judge unable to make a decision without first obtaining additional information."

"We believe these sessions need to be open because of previous claims made during the parties' last efforts to obtain a new contract. Those claims are proving to be untrue," Hansen said. "Executive pay raises hidden in a contingency fund and service cuts and fare increases tied to the purchase of a new electronic fare system are just two of many such instances where public scrutiny might have yielded a different outcome — for everyone."

"As the days pass, we are discover-

ing additional instances where the truth turns out to be something quite different from what was said during the bargaining process."

Hansen said the union remains committed to community attendance at negotiations and that he is "eager to sit down and start bargaining in good faith."

Judge Roberts offered to do whatever she could to assist the parties in achieving a speedy resolution.

On another front, the Oregon Employment Relations Board (ERB) on March 15 denied TriMet's "motion to stay" enforcement of a portion of an earlier Board order that found the transit agency unlawfully implemented health insurance charges on ATU members starting in 2011.

The decision means TriMet must post notices of its illegal actions and reimburse members for health insurance premium contributions and medical expenses while its appeal is pending before the Court of Appeals.

"It is important to remember that the overwhelming evidence in this case proved that TriMet decided to charge employees more for health insurance

for the wrong reason," Hansen said. "It was not to save money. Instead, the evidence showed it was to punish workers

because their union filed a complaint charging TriMet with negotiating in bad faith."

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