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A landmark session, but Oregon labor wanted more

A big Democratic majority led to high expectations, but Oregon lawmakers balked at minimum wage and other labor priorities

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How did working people fare in Oregon's 2015 legislative session? Depends on your measuring stick. In the days following the July 6 adjournment, Democrats touted accomplishments like paid sick leave, a public retirement savings plan, and close to a billion dollars in job-creating public infrastructure investment.

Yet many in organized labor who spent time in the Capitol came away frustrated. That's because expectations were high when the session began in February: Democrats had 18 of 30 seats in the Oregon Senate, and 35 of 60 in the Oregon House. Democrats tend to call themselves friends of labor, but it becomes harder every year to find pro-union Republican politicians. Yet on issues that forced Democrats to take sides, some Democrats couldn't be counted on. Despite the Democratic majority, there weren't enough Democratic votes to raise the minimum wage, toughen enforcement of wage-and-hour laws, penalize large employers who don't offer health insurance, restore public sector union rights, or clean up abuses in public contracting. Even the Oregonian called the session, "a mixed bag for workers and the 99 percent."

Labor's trouble spot was the Senate. Call it the Betsy Johnson problem: In previous legislative sessions, Sen. Johnson (D-Scappoose) prevented labor bills from passing when Democrats had a 16-14 edge. To get around that, enormous effort went to expand the Senate Democratic majority in the 2014 election. At the Oregon AFL-CIO's urging, Democrats campaigned on a working families agenda — and picked up two more Senate seats. Now it would take *three*



SIGNING PAID SICK LEAVE INTO LAW. Oregon Gov. Kate Brown held a bill signing ceremony July 13 for the "Fair Shot" agenda, comprised of Senate Bill 454 (Paid Sick Leave), House Bill 3025 (Ban the Box), House Bill 2002 (Ending Profiling), and House Bill 2960 (Retirement Security). A large crowd of union and community and elected leaders packed into the governor's ceremonial office to witness and celebrate.

wayward Democrats to doom labor-backed legislation. But that's exactly what happened on a number of bills, and making matters worse, much of the bill-killing took place in closed door meetings of the Senate Democratic caucus. Labor lobbyists would canvass lawmakers to tally support for a bill, and think they had 16 yeases, only to hear from their Senate allies that in the caucus meetings their bill was short of a majority. It could be a painful discovery — in past sessions, fair-weather friends in the Senate could masquerade as "yes" votes while blaming Johnson for inaction. This year's problem senators, according to interviews with over a dozen labor lobbyists and allies, included Mark Hass (D-Beaverton), Chris Edwards (D-Eugene), and Lee Beyer (D-Springfield).

Meanwhile, a coalition of two dozen business groups led by Associated Oregon Industries made it clear where it stood, putting over a dozen labor-backed bills on its "job killer" list, and campaigning hard to limit labor wins.

What follows is a blow-by-blow on the bills that made it,

and those that didn't, on issues that matter to working people. A mark means it passed; means the bill failed.

THE FAIR SHOT FIVE

The biggest labor news in the Oregon Capitol this year was the emergence of a powerful coalition of labor and community groups, led by five organizations, and joined by 20 others. Known as Fair Shot for All, the coalition united around five legislative proposals, and passed four of them. Now the coalition will reload and try to pass the fifth — an increase in the minimum wage — in the February 2016 short legislative session.

Paid sick time Starting Jan. 1, 2016, Oregon workers will have the right to take up to 40 hours of sick leave per year — paid where there are 10 or more employees (six or more in Portland), and unpaid where there are fewer. [Construction employers who offer benefits through union multi-employer trusts will be exempt.] Oregon is the fourth state in the nation to pass such a bill. Supporters wanted to pass it early in order to move on to other priorities. Instead it took four-and-a-

half months for the Senate to pass it; in the House, it took two days. Backers lost ground when the paid-unpaid threshold rose to 10 (from 5, as initially proposed), but they defeated an effort to leave out farmworkers. They also beat back an attempt by State Sen. Chris Edwards (D-Eugene) to tie sick leave's passage to a ban on all labor ordinances by local jurisdictions. In the end, no Republican voted for the paid sick time. All Democrats voted for it, except Brian Clem (D-Salem) and John Lively (D-Springfield) in the House, and Betsy Johnson (D-Scappoose) in the Senate.

Retirement security Starting July 1, 2017, all Oregon workers who don't have an employer-sponsored retirement plan (about 400,000 workers) will have one automatically set up by the State of Oregon — unless they choose to opt out. The low-fee account, funded by payroll deduction, will grow over time and enable workers to collect a monthly benefit when they retire.

Ban the box They did the crime, served the time, and now they (and we) need to start over. Ban the box bars employers from asking about criminal convictions at the initial application stage. Law

enforcement agencies and other employers required by law to consider an applicant's criminal history are exempt. Senate President Peter Courtney (D-Salem) didn't like the bill, but the support of Salem Republican Jackie Winters, the only African-American state senator, made the difference. Backers also defeated an effort to pre-empt stronger local ban-the-box ordinances, and as a result, Portland may soon move forward with something stronger.

Racial profiling Oregon, like America, has a problem with race, and one of places that shows up is police bias, oft-times unconscious. The new law bans law enforcement from using profiling as a tactic, requires law enforcement agencies to collect data about profiling, and establishes a process for accepting and addressing profiling complaints. The bill got a boost in April when Oregon Association Chiefs of Police backed it.

Minimum wage The Legislature hasn't lifted a finger to raise the minimum wage in more than two decades. Instead, organized labor dipped into its piggy bank to fund ballot measure campaigns in 1996 (to \$6.50) and 2002 (to \$6.90, followed by annual raises for inflation). This year, 10 minimum wage bills were introduced, to raise it from \$9.25 today to \$12.20 to \$15 over the next three years. But none of them got a vote, not even a bill to let local jurisdictions set a higher local minimum wage. Senate President Peter Courtney (D-Salem) declared that he wouldn't allow a vote on any minimum wage bill, and that gave cover to other Democrats who might have opposed raising the minimum wage. Of course, the House didn't vote on it either, nor was a word of support for it heard from Governor Kate Brown (or John Kitzhaber before her). But the issue's not dead. An informal task force of legislators will try to build consensus to pass it in 2016, and House Speaker Tina Kotek (D-Portland) says it's a priority. If that fails, advocates are already gathering signatures to put a \$15 minimum wage on the ballot in November 2016.

Photo by Sandy Humphrey