

**WORKERS RIGHTS**

# Oregon Supreme Court hears TriMet case

The public transit agency wants to keep union negotiations closed to the public

Attorneys for Amalgamated Transit Union Local 757 and TriMet faced off in front of the Oregon Supreme Court June 14 in a legal dispute over whether the public has the right to observe public-sector labor negotiations. Oregon law seems pretty clear about it: “Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session,” says ORS 192.660 (3).

Normally, that’s moot because *both* sides prefer to bargain in private, seeing that as more likely to result in agreement. But in 2012, Local 757 decided to let the public in.

TriMet sued and asked the court to agree that its bargaining sessions aren’t subject to Oregon’s Public Meetings Law — because the law defines “meeting” as “the convening of a governing body for which a quorum is required in order to make a decision or deliberate toward a decision,” — and TriMet never set a quorum requirement for its eight-member bargaining team.



**CAN PUBLIC EMPLOYEE UNIONS LET THE PUBLIC OBSERVE BARGAINING?** Absolutely, Aruna Masih, attorney for ATU Local 757, told the court.

When TriMet attorney Keith Garza restated that argument June 14, Oregon Supreme Court justices seemed skeptical.

“Essentially that interpretation creates a situation where the public body can completely control whether or not the negotiations are open depending on who they have doing the negotiating,” said Justice Meagan Flynn.

“I have to confess: I don’t follow your argument,” Justice Jack Landau told Garza. “Sub-section 3 says labor negotiations shall be conducted in open meetings ... What the bargaining team is doing, is it labor negotiations?”

“Yes,” Garza replied.

“Okay, so whatever the team is doing, it has to be accomplished in an open meeting ... What am I missing?”

Local 757’s attorney, Aruna Masih of the Bennett Hartman firm, argued that text, context, and legislative history all support ATU’s interpretation of the statute.

“We believe based on the context that the Legislature made clear there were very special rules they intended to apply to labor negotiations in general,” Masih told the court.

Masih says it’s impossible to know how a court will rule. The court is expected to issue a decision later this year. —DM

## ...Oregon will be first state to curb schedule abuses

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Then Local 555 and the Oregon Working Families Party prepared to take the issue to voters in 2018 via ballot measure.

“As the bill was heading South in the Senate, we were heading to the polls, and that’s what brought the other parties back to the table,” said Local 555 Secretary-Treasurer Jeff Anderson. It helped that a law pre-empting city-level action was about to expire, and UFCW was also prepared to push scheduling ordinances in Portland, Eugene, Ashland and Corvallis. Facing a farther-reaching ballot initiative and the prospect of a patchwork of local ordinances, business groups got on board with a compromise fair scheduling bill, and brought Republicans along.

Sponsors credited Senate President Peter Courtney (D-Salem) for engineering the compromise. To win majority support, the bill was amended significantly. The bill originally had provisions that applied to all employers, and its strictest provisions applied to retail, hospitality and food-service establishments with 100 or more employees nationwide — including a requirement to offer additional hours to existing employees before hiring new employees or sub-contractors.

Passage of Oregon’s “Fair Workweek” law adds momentum to similar efforts elsewhere. San Francisco’s “Retail Workers Bill of Rights” was the first such legislation to pass, in 2014, followed by Seattle in 2016, and New York City in May 2017.

## UNIONIZATION → MAY-JUNE 2017

The following are Oregon and Southwest Washington workplaces where workers have decided whether to be represented by a union. The thumbs-up symbol means workers will be union-represented. Thumbs-down means they’ll be on their own. “Decert” means a decertification election, where union-represented workers voted whether to remain union. The information comes from the National Labor Relations Board and the Oregon Employment Relations Board.

### Union election results

| Employer (Location) Union  | Yes-No  |   |
|--|---------|---|
| <b>Rogue Valley Sewer Servcs.</b> (Central Point) Teamsters Local 223                            | 19-6    | 👍 |
| ■ 25 employees; a majority voted against decertification   |         |   |
| <b>PeaceHealth Sacred Heart</b> (Springfield) Oregon Nurses Association                          | 21-2    | 👍 |
| ■ 38 registered nurse care managers  |         |   |
| <b>Providence St. Vincent</b> (Portland) Operating Engineers Local 701                           | 2-3     | 👎 |
| ■ 5 painters, carpenters, and fire safety employees  |         |   |
| <b>Trillium Charter School</b> (Portland) Oregon School Employees Assn.                          | 24-0    | 👍 |
| ■ 33 teachers, secretaries, cooks, custodians, bookkeepers, and guards                           |         |   |
| <b>Three Js Distributing</b> (Clackamas) Teamsters Local 206                                     | 32-56   | 👎 |
| ■ 96 drivers, mechanics, warehouse workers, janitors   |         |   |
| <b>University of Oregon</b> (Eugene) U of O Police Association                                   | 16-0    |   |
| ■ 21 campus police officers (formerly in SEIU 503, chose to form a stand-alone union.)           |         |   |
| <b>Department of Public Safety Standards &amp; Training</b> (Salem)                              | 38-33-0 |   |
| ■ 100 classified employees (3-way election: Ore. Pub. Safety Assn. vs. AFSCME 3955 vs. no union) |         |   |

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