

Collective Bargaining Procedure

A policy statement adopted by the OSEA Board of Directors states that "representation by OSEA implies representation by the state association and its staff, in cooperation with the chapter and district organizations." The Employment Relations Committee of the board makes policy decisions, subject to board approval, and coordinates all of the activities of the association regarding collective bargaining.

Chapter Role Limited

The following material taken from a "Summary of Collective Bargaining Procedures" sent to all chapter officers may best illustrate the questions which were faced and the manner in which representation will be organized:

"Because OSEA chapters in most cases are organized along lines different from the bargaining units, and because employees who will not be members of bargaining units (unclassified and 'excluded' employees) are entitled to chapter membership, the role of the chapter in collective bargaining will be limited.

The local organization of employees for collective bargaining purposes will be a new structure of 'collective bargaining representatives' and a 'Collective Bargaining Council,' made up of OSEA members within the bargaining unit and working with the state association and its staff on the representation of employees."

Role of the Chapter

Collective bargaining is a new and important activity of the association, but it will be in addition to and not in place of the traditional functions of OSEA and its chapters.

There will be no diminishment of the need for vigorous chapter organizations to carry on the legislative, political, social, educational and economic programs of the type they have carried on so successfully in the past. The chapter, through the association's General Council delegate system, will

continue to be the basic policy-making unit of the association, guiding its activities through the resolutions which the delegates adopt and the officers whom they elect.

Collective Bargaining Council

The Collective Bargaining Council assists the state association in determining the views and desires of employees in the bargaining unit. It serves as advisor to the "negotiating team" which meets with employer representatives to bargain on agreements.

Councils will vary in size from as few as three to possibly as many as 18 members, depending upon the size of the agency and the frequency of council meetings. In some cases of agencies with statewide operations, more than one council may be created in the agency. A large council may meet only quarterly or semi-annually and have an executive committee which carries on business at more frequent meetings.

Meet Regularly

The members of the council will select a chairman and secretary from among themselves, and should meet at regularly scheduled intervals. Minutes of meetings should be kept. Reasonable expenses for the conduct of their business, as well as necessary clerical and research assistance may be provided by OSEA.

Collective Bargaining Representatives

The foundation for democratic representation of employees is a system of collective bargaining representatives, in every work area within the bargaining unit. Similar to the "shop stewards" in private industry labor representation, the representative will be the immediate contact for employees seeking information on collective bargaining developments or who wish to make suggestions or recommendations for the consideration of the Collective Bargaining Council.

Representatives are not expected to hold regular meetings, although meetings may be held from time to time to elect members of the council or to determine employee attitude on a controversial matter of general interest to employees in the unit.

Negotiating Team

A survey taken among members and chapter leaders shortly after the promulgation of the collective bargaining rules showed that the great majority felt that, at least in the early stages of formal bargaining, negotiations should be handled by the professional staff of the association. This was primarily for three reasons: (1) need for uniformity, both as to subject matter and procedures, in the various agencies; (2) need for representation by persons experienced in dealing with state officials and trained regarding collective bargaining principles and practices; and (3) effectiveness of an independent person dealing with the employer, as compared to employees negotiating with persons having authority over them.

Negotiating Teams

In the great majority of cases, bargaining will be handled by negotiating teams headed by a staff member but including employees selected from among or by the members of the Collective Bargaining Council. It is expected that as collective bargaining practices become established and employees gain experience on the negotiating teams, a greater part of the collective bargaining responsibility will be assumed by employee members of the bargaining unit.

The basic contracts with employers specify the number of members on employer and association negotiating teams. Negotiating sessions generally are held during duty hours. Necessary expenses and clerical and research assistance for the employee negotiating teams may be furnished by the association.

Bargainable Items

Article V of OSEA's basic contract with the agencies states that the following matters are appropriate for consultation, negotiation and agreement:

1. Those policies and procedures relating to employment relations concerning which the employer has the power or discretion to make final decisions, and
2. Employment relations subjects regarding which it is appropriate for the parties to make joint recommendations for the consideration of other bodies having the power of decision.

Outstanding Examples

The first of the above provisions refers to the many matters on which the state employer, even under civil service rules and Department of Finance and other regulations, has the final say. It covers both the many subjects which are not covered by any rules or regulations, and the places where the rules set the standard but gives the employer discretion as to how he shall apply it.

Outstanding examples of subjects not covered by rules are assignment of work shifts and scheduling of vacation and other leaves.

In the second category, where the rule sets the standard but gives the employer discretion as to how he shall apply it, are such things as the length of work week, moving allowances, private car mileage reimbursement, promotion practices, sick leave regulations, overtime compensation and a great variety of other matters.

Question Answered

In response to an employee's question "What can we bargain for?" a staff member recently advised, "Just start going through the civil service rule book. Any time you see the word 'may', 'normally' or 'generally', you have something to bargain about." A reader of the rules will find many of these items, which can be clarified or firmed up by agreement with the employer.

Agency Rules

Under OSEA's basic agreement with the agencies, the association is to be furnished a copy of each agency's written rules. These copies were procured primarily for the benefit of the Bargaining Councils. Most of the rules cover subjects regarding which there are no civil service rules or the employer has discretion. It would benefit each of the councils to study the agency rules with an eye toward negotiating changes or improvements where necessary, or adding rules where none exist.

Not the Case

The second of the numbered provisions above recognizes that there are instances where the state employer does not have the final say as to what shall be done. This does not mean, however, that he cannot greatly influence what will be done.

Salaries in state government are set by the Civil Service Commission in its compensation plan. Holidays are set by law, and a large number of other subjects are governed either by law or legislative

delegation. It would appear that these matters are not bargainable, but such is not the case.

Joint Recommendation

As an example, the Civil Service Commission in recent years has given increasingly strong consideration to the employer recommendations as to what salaries should be.

At the 1966 salary hearing, the chairman of the commission advised that employees concern themselves, through the collective bargaining process, with the employer recommendations. It is proper for the employer and employee representative to bargain regarding a joint recommendation to be made on salaries and similar matters. In fact, an opinion of the Attorney General of Oregon stated that this may well be one of the most important functions of collective bargaining in state government.

Creativity and Imagination

In the comparatively short time that the Collective Bargaining Councils have been in operation in Oregon state service, "supplemental agreements" have been executed on a number of subjects.

Many of the subjects reflect a great deal of creativity and imagination on the part of the council members responsible for them. Copies of these agreements are kept in special binders at headquarters and are available for examination by interested persons, or may be brought to council meetings by members of the staff.