

Main Problems

Less Than Serious Attitude

(1) Tendency of some appointing authorities to take a less than serious attitude toward their collective bargaining responsibilities, relegating duties to minor officials, etc. This relates to lack of leadership on collective bargaining policy, and absence of means to enforce good faith bargaining.

Lack of Bargaining Knowledge

(2) Lack of knowledge on the part of appointing authorities regarding what collective bargaining is, their responsibilities, etc. This also is probably related to the absence of any body with the responsibility to make collective bargaining work.

Can't Get an Answer

(3) Questions regarding what is bargainable, and, when bargaining is attempted, whether or not a solution is in conflict with civil service rules or other laws or regulations. The lack of ability to obtain an answer leaves the matter "in limbo." This also provides an easy out to the person who really doesn't want to reach agreement on a matter.

No Body to Rule on Good Faith

(4) Lack of a body to rule on whether a position taken by a party is reasonable or unreasonable, in accordance with generally accepted labor relations practices or not.

Can't Enforce Agreements

(5) Lack of means, other than court action or appeal to a higher authority such as the governor, to enforce compliance with the provisions of an agreement.

Impasse Procedure Needed

(6) Absence of procedures to solve impasses. There is a need for such devices as fact-finding and arbitration, as well as the authority to enter into arbitration agreements.

No Guidelines for Unclassified

(7) Absence of any kind of procedures or guidelines for employees other than those in the classified service.

Other Subdivisions of Government

The main "hang-up" in the cities and counties has been the unwillingness of officials to bargain at all, fortified by opinions from city and district attorneys that collective bargaining is "permissive" rather than "mandatory" under present law.

No Party to Enforce Contracts

Where collective bargaining has been attempted, there is the same absence as in state service of an impartial third party to make decisions or recommendations or enforce good faith bargaining or compliance with contract provisions.

Most collective bargaining arrangements appear to have resulted from the tendering of a petition or contract demand for representation of a group of employees, not necessarily supported even by a showing of organizational membership. It is questionable whether this type of recognition gives sufficient protection to the rights of employees who do not favor the particular representation.

Questions have arisen and in at least one instance there has been a necessity for court action to determine whether a particular item was properly the subject of bargaining.

Suggestions for New Legislation

Collective Bargaining Mandatory

(1) An amended public employee collective bargaining law should make it clear that all Oregon public employers have an affirmative duty to bargain collectively with the representatives of their employees.

Law Should Be Defined

(2) If there are public employees other than the certificated public school personnel referred to in ORS 243,770 who should be excluded from application of the law, specific reference to them should be made. Otherwise, their inclusion should be stated affirmatively.

Bargainable Items Need Clarification

(3) The area of what items are bargainable, particularly where there is a civil service law or where the Legislature has retained authority over a subject, should be clarified.

Supervision of Bargaining Needed

(4) The law should provide for an independent Office of Public Employee Collective Bargaining, separate from the civil service boards and commissions, and separate also from the bodies concerned with labor relations in private industry. This office would supervise collective bargaining activities in all areas of public employment under state law in Oregon.

Should Have Authority

(5) The office should have a duty to see that proper procedures for the determination of bargaining units and the selection and certification of representatives exist in each unit of public employment. This could be by authority in itself to promulgate procedures, or by the power to approve procedures, or a combination of both. Some provisions should be included to protect present certifications or contract rights, and not upset present working relationships with the passage of a new law.

Unfair Labor Practices Definition Needed

(6) Unfair labor practices should be specified. The office should have the authority to order

the cessation of improper practices, and to secure quick court enforcement of its orders.

Binding Arbitration Power

(7) The office should be able to provide fact-finding and arbitration assistance, and the public employers should have the power to agree to binding arbitration on a voluntary basis.

Should Enforce Bargaining Contracts

(8) The office should have the authority to order compliance with contract provisions and the setting aside of actions taken contrary to or without regard to the provisions of contracts or memorandums of agreement.

Bargaining Education Needed

(9) The office should be directed to carry on a program of education with regard to collective bargaining among public employers and employees, and to render such other assistance as may be required to further a policy in favor of collective bargaining in public service in Oregon.