

the OSEA news

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From the.... Executive Secretary

Lesson in Legislation

One of the toughest struggles taking place in the present legislative session is regarding House Bill 1044, the public employee representation bill which resulted from months of hearings and study by the Legislature's Interim Committee on Labor and Management. Its handling reveals some interesting aspects of the legislative process.

HB 1044 contains these provisions, among others:

(1) Makes interference with the right of employees to form, join and participate in the activities of organizations an unfair labor practice and gives the Public Employee Relations Board the power to act to restrain it.

(2) Clarifies the power of the PERB to enter orders to enforce its findings in cases of failure to bargain in good faith or comply with the terms of an agreement.

(3) Provides for circuit court enforcement of PERB orders.

(4) Allows the PERB to use hearing officers in merit system and collective bargaining hearings.

(5) Provides court enforcement of PERB rules regarding designation of bargaining units, election and specification of improper influences on elections.

Nobody appears to oppose any of these provisions. The controversial thing about the bill is that some of its sections would require local governments to bargain with their employees. At present, cities, school and other special districts bargain only if they chose to ask for the services of the PERB. The choice is that of the employer, not the employees.

Large numbers of representatives from OSEA, AFL-CIO unions and independent county and school district associations testified for HB 1044 at three hearings, and interim committee members urged favorable action at a special meeting. The

opposition came from three tax-supported lobbies—the Association of Oregon Counties, the League of Oregon Cities and the Oregon School Boards Association—who have teamed up against employee interests on a number of other bills this session.

Now for the politics of the situation. Although the parties are numerically not far apart in the House (34 Republicans, 26 Democrats), the Speaker elected by the majority has complete power on naming committees and assigning bills to the committees which he has named. Where he sends a bill usually indicates whether or not he wants it passed. HB 1044 was sent to the State and Federal Affairs Committee (8 Republicans, 5 Democrats), and further assigned to the Governmental Reorganization Subcommittee (4 Republicans, 1 Democrat).

Subcommittee Chairman Rep. Robert Ingalls (R-Corvallis) appears to have been persuaded by the testimony at the hearings towards voting for the bill. Rep. Richard Kennedy (D-Eugene) is its strongest supporter. Two new legislators, Rep. E. E. Patterson (R-La Grande) and Rep. Leigh Johnson (R-Ashland), would have a tough time voting for it because of union-local government conflicts and lawsuits in their home towns. The key man at this level appears to be Rep. Roger Martin (R-Lake Oswego), chairman of the full committee and House Speaker Pro Tempore, who is said to be getting strong pressure from his home town city council to bury the bill, and nudges from labor and public employees to let it out.

Employees of cities, counties and school districts who have voluntarily come under the PERB and state employees want to see HB 1044 acted upon, even if the sections making bargaining mandatory upon the other local governments have to be amended out of it. The latter local governments, however, seem to be afraid they could not stop the sections from being amended back into the bill if it ever came to a larger vote.

The fate of HB 1044 may not be decided for some time, whichever way it goes; however, it provides a lesson in committee organization and the obstacles a piece of legislation probably favored by the majority has to overcome when it runs into opposition from strong political interests.

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