A member of the Assembly of Governmental Employees (AGE), which includes over 700,000 public employes

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Management bargaining coalitions wrong...

The legislature gave state employes the right to bargain collectively. When the state ordered how collective bargaining would be conducted, the labor organizations led by the Oregon State Employes Association (OSEA) recognized they were being denied that right and called the state's hand.

A hearings officer for the Employment Relations Board (ERB) agreed that state employes were being denied the rights afforded them by the legislature and that the state's directive as to how and what would be bargained was improper under the law.

That is the effect of a declaratory ruling rendered by ERB hearings officer James Kasameyer, according to an analysis of it made by OSEA Associate General Counsel Charlene Sherwood.

The ruling was issued Jan. 12, 1977.

Kasameyer responded to two questions:

- What structure does the state statute mandate for the conduct of negotiations between the state and labor organizations certified to represent its employes, and
- What subjects for negotiations fall within the four statutory criteria for joint bargaining.

Past president Strickler swears in Darrell Walker, Doris Flint, Bill Kurlee, Gary Strausbaugh and Dale Meyers. (Page 3)

In response to the first question, Kasemeyer said, "It will be seen that none of the existing coalitions meet the requirement of ORS 243.696. ...The state's proposed Personnel Rules coalition fails to conform to the statutory directive."

His decision set out a procedure for setting the proper coalitions but his decision went on to say that if the labor organizations do not like the way he interpreted the statute requiring joint sessions (ORS 243.696), they may negotiate with management any other arrangement. "It would be inconsistant with the freedom customarily accorded parties to collective bargaining to require them to bargain in joint sessions pursuant to the interpretation adopted herein, if they are able to reach agreement on an arrangement more suitable to the conditions obtaining in a particular area of collective bargaining," the ruling says.

The effect of the coalitions designated by management before this ruling denied employes the right to have the labor organization they chose to bargain for them, said Sherwood. This ruling will change that.

OSEA chief negotiator Angelo Stephenson said in his testimony before the hearings examiner that management, at the first meeting of all the parties, announced what the coalitions would be and who would be a party to each one. None of the labor organizations was permitted a part in the design of the coalitions, Stephenson said.

In response to the second question, Kasameyer restates the law: ORS 243.696 requires joint-session bargaining for the purpose of establishing the "compensation plan and other economic benefits, and those employment relations matters which require legislative action or are the subject of Personnel Division rule-making authority."

He adds the stipulation, "Unless a subject falls within any of the four categories, the statute does not require that it be bargained in joint session."

"I feel this is a good decision," Sherwood said. "It shows," she said, "that Mr. Kasameyer has a thorough understanding of the problems we encountered."

...says ERB after hearing OSEA argument

What's bargainable? And where should bargainable subjects be bargained?

Those are the questions now before the Employment Relations Board (ERB). And they are fundamental questions for state employes and the negotiation of their central bargaining agreement.

OSEA asked ERB to decide these questions in November. On Dec. 22 and 23, ERB hearings examiner James Kasameyer took testimony presented by OSEA Associate General Counsel Charlene Sherwood and attorneys of the other unions representing state employes in central negotiations. Kasameyer said he hopes to have his proposed order ready for the Jan. 19 meeting of the full board.

Presently, the eight unions representing state employes are spread among six bargaining coalitions based roughly according to job classification. For example, there is a teachers coalition, a corrections coalition, a nurses coalition and a general coalition for those employes who do not fall into one of the more specific groups.

There are several problems which occur from this arrangement. One of the worst problems is that many employes are not receiving the benefits of a contract negotiated by the labor organization they elected to represent them, which violates one of the primary principles of labor representation. For example, the correctional officers at the Oregon State Correctional Institution, an OSEA unit, are now, and if the present arrangement continues, will be working under a central agreement negotiated by AFSCME in the correctional coalition. The registered nurses there will be working under contracted negotiated by the Oregon Nurses Association. However, all of these employes, nurses, and correctional officers, as well as the secretaries and teachers at the Correctional Institution, voted to be represented by OSEA.

Another problem is contract administration. Presently, there are six contracts governing wages, hours and working conditions at the Correctional Institution. There is the OSEA-negotiated agency agreement for all employes; the OSEA central agreement for secretaries and other clerical employes; the AFSCME-negotiated agreement for correctional officers; the Oregon Education Association central agreement for the teachers, and one each for registered nurses and licensed practical nurses negotiated by their respective associations. Following the current negotiations, that will be reduced to five since the licensed practical nurses will have the same contract as the clerical employes.

OSEA wants to negotiate the central agreement for those employes which it represents. In other words, OSEA wants to negotiate the central agreement for all employes at the Correctional Institution where it is the bargaining agent, and AFSCME will negotiate for all employes at the Penitentiary where it is the representative.

OSEA also has asked ERB to determine whether personnel rule subject matter is to be negotiated into the contract. The state says it will negotiate personnel rules in a separate, a seventh, coalition. However, the state only will negotiate to a "recommendation" to an administrative hearing where the personnel rule actually will be written. It therefore is possible, even likely, that the negotiators will reach an agreement at the bargaining table that will be changed in the hearing process, thus subverting collective bargaining. This is important because if management's wishes are upheld by the hearings examiner, collective bargaining for state employes virtually will be meaningless. It will be reduced to negotiating the compensation plan.

OSEA was joined at the ERB hearing by representatives of all the unions except those representing the printers and the registered nurses. Management was represented by Assistant Attorney General William Hoelscher. Testimony was taken from OSEA chief negotiator Angelo Stephenson, John Demusiak, management's negotiator in the corrections coalition, and Ed Rosenlund, management's chief negotiator in the general coalition.

Negotiations have been suspended until the board renders its decision.

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