

After Initially Refusing State Agrees to Mediate



State spokesperson Ranny Reinen tells mediator Ken Brown that the State will not participate in mediation. He then walked out of the mediation session.

For the first time in nearly two-and-a-half months of bargaining between the State and OPEU, there is some movement on a number of issues.

Alice Dale—OPEU's chief spokesperson at the central table—attributes this movement to two factors: members' strong showing at state-wide bargaining rallies and movement of negotiations into mediation.

This latter move has been surrounded with considerable controversy, including the State filing an Unfair Labor Practice (ULP) complaint against OPEU.

On April 22, Dale opted to move central table negotiations into mediation. "We had been bargaining since February 10 and had only reached agreement on six minor items out of a total of 65 proposals," Dale said. "There is no question that the State's bargaining strategy has been one that involved stalling and we felt it was imperative that a mediator be brought in to help facilitate the process."

The State, however, walked out of the first scheduled mediation session and publically announced their displeasure with OPEU's position.

Ken Brown, Director of the State Conciliation Service, called the first mediation session for April 23. OPEU's central team was present, but only spokesperson Ranny Reinen was present from the State bargaining team. Reinen announced that the State's firm position is that negotiations are not at impasse and therefore cannot legally proceed into mediation.

However, Brown informed Reinen that mediation was scheduled and would begin. When asked if the State was ready to proceed, Reinen told Brown that the State would not participate in mediation, but would participate in negotiations.

After stating that the State's position would be the same at the

next session, Reinen rose from the table and left.

Later that day, the State reversed its position and informed Brown that they would be present for the next mediation session.

"There are two clear conclusions that can be drawn from the actions taken by the State on April 23," Dale said. "First, their initial refusal to mediate underscores that they are unwilling to cooperate with us in order to solve problems and reach an agreement.

"Second, their complete reversal

on participating in mediation shows that, despite public announcements to the contrary, the State is legally obligated to proceed with bargaining through use of the mediation process."

The State's public position on mediation centered around their ULP complaint (see story on page 5). They caught the attention of most of the state's media by issuing a press release on their ULP through the Governor's office. In it, they accused OPEU of declaring impasse prematurely, of negotiating in bad faith

and of entering issues into mediation that are not allowed.

"I feel very comfortable that we have proceeded (with negotiations and mediation) in conformity with the requirements of the Oregon Collective Bargaining Act," Dale said. "We were very explicit when we informed the State that we were invoking our right to move negotiations into mediation. At no point did we maintain that negotiations were at impasse."

Under the Oregon Collective Bargaining Act, either side may put the negotiations into mediation if, after a reasonable amount of time, an agreement has not been reached.

In mediation, negotiations continue, but a neutral third party—the mediator—helps both sides find areas where compromise can be obtained and progress made in negotiating a complete contract.

"We are at impasse with the State on a number of items," Dale said. "But since little to no progress was being made on these items and the State was continuing to stall, we felt it essential that a mediator be brought in to facilitate the bargaining process."

On April 24, the State's entire bargaining team participated in mediation. By the end of the day five articles had been signed-off, including No Discrimination, Parental Leave, Veterans' Preference, Job Sharing and Voluntary Demotion.

Dale characterized the session as "the most productive bargaining day we have had since negotiations began."

At the next mediation session, on April 27, no articles were signed-off.

"What is beginning to surface is a more clear picture of where each party is willing to compromise," Dale said. "I am hopeful that we will begin to make some movement on issues we have been deadlocked on up to this point."

Agreements Reached Through Mediation

The following articles were signed-off at the first mediation session that both parties participated in:

- No Discrimination
- Job Sharing
- Parental Leave
- Voluntary Demotion
- Veterans' Preference

More information on these agreements will be published in the next Negotiation News.



Mediator Ken Brown presides over first full Mediation session.