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Re: Testimony in Support of HB 2213

Dear Chair Holvey and Members of the House Business and Labor Committee:

When the definition of "employment relations" was expanded in ORS 243.650(f) in 2007 it gave corrections officers, police officers, firefighters, parole and probation officers, dispatchers, certain OYA staff, and deputy district attorneys the right to bargain over safety issues that have an impact on their on-the-job safety. Over the past several years, law enforcement bargaining units throughout Oregon have used that change to ensure a safe and secure working environment for the men and women who have dedicated their lives to these dangerous, critical professions.

Unfortunately, the law as written only applies to strike-prohibited employees. In a bargaining unit like the Association of Oregon Corrections Employees (AOCE), where a portion of its almost 800 person bargaining unit is staff that does not meet the statutory definition of ORS 243.736 (strike-prohibited employee), the law has created unintended obstacles. Although this staff is not strike-prohibited by statute, they are in a mixed bargaining unit that contains strike-prohibited staff and therefore are treated as strike-prohibited for the purposes of collective bargaining. See ORS 243.742(1) and OAR 115-040-0015(4). They are included in the AOCE Collective Bargaining Agreement (CBA) and have the right to proceed to interest arbitration over the terms and conditions of their CBA if it cannot be resolved during bargaining and mediation. They cannot strike. While treated as strike-prohibited for purposes of bargaining, they do not meet the statutory definition of strike-prohibited emergency and public safety personnel and therefore cannot bargain over on-the-job safety.

So what does the above legal landscape mean for AOCE staff? When the Department of Corrections (DOC) implements a change to a mandatory subject of bargaining that impacts the on-the-job safety of AOCE-represented Corrections Professionals (including but not limited to: chaplains, nurses, physical plant workers, office assistants, counselors and food service workers) AOCE has no right to bargain the impacts of that change. If DOC's change impacts the on-the-job safety of Corrections Officers, then AOCE has a bargaining right.

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Since 2007 AOCE has filed numerous bargaining demands over safety issues for Corrections Officers. In each of these cases the end result has been a resolution of the issue with no need for mediation or arbitration. Not a single safety bargaining issue has gone to interest arbitration. Instead, AOCE has demanded to bargaining issues, met with DOC and the Department of Administrative Services (DAS) and come to a resolution acceptable to all parties that kept AOCE officers safe.

The Corrections Professionals work alongside the officers with convicted felons on a daily basis. They have direct inmate contact, suffer the same safety challenges (whether it is a lack of fire protective gear in Special Housing, providing syringes to inmates on Death Row to self-administer insulin, or supervising inmates who are using power tools) yet they do not enjoy the same safety bargaining rights.

HB 2213 will level the playing field for Corrections Professionals at DOC. Their safety and security is just as important as the Corrections Officers they work side by side with on a daily basis. This change involves minimal financial impact, if any, and maximum safety, health and wellness impact for DOC staff with direct contact with inmates.

Sincerely,

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