



# The Oregon Coalition of Police and Sheriffs

*Representing line officers and sheriffs' deputies*

**VOTE  ON SB 1567**

- ✘ Misunderstanding of the scope of arbitration**
- ✘ Recent interpretations have changed the meaning of the bill**
- ✘ Interferes with an active bargaining process**



VOTE **NO** ON SB 1567



CITY OF  
**PORTLAND, OREGON**

Ted Wheeler, Mayor  
Amanda Fritz, Commissioner  
Nick Fish, Commissioner  
Jo Ann Hardesty, Commissioner  
Chloe Eudaly, Commissioner

March 11, 2019

Senator Floyd Prozanski  
Senate Committee on Judiciary  
900 Court Street NE, Salem, OR 97301

**"... deserve a a discipline system that is fair, predictable, and consistent. That is not the case with our current labor arbitration system – outcomes are unpredictable..."**

SB 383-2  
overturning the discipline of  
agrees the misconduct occurred and the discipline imposed  
guide or matrix adopted by the agency.

This is an important first step in improving police accountability. Thank you for taking up this important issue. We urge your support of SB 383-2.

Sincerely,

Ted Wheeler

Amanda Fritz  
Commissioner

Nick Fish  
Commissioner

Misunderstanding scope

New meaning since 2019

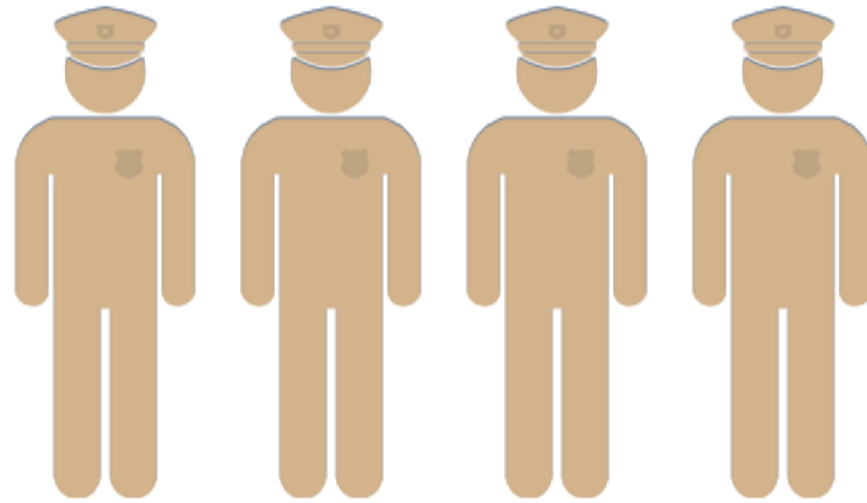
Bargaining Interference



VOTE **NO** ON SB 1567



**Decision Upheld**



**Level of Discipline Adjusted**



**Decision Reversed**

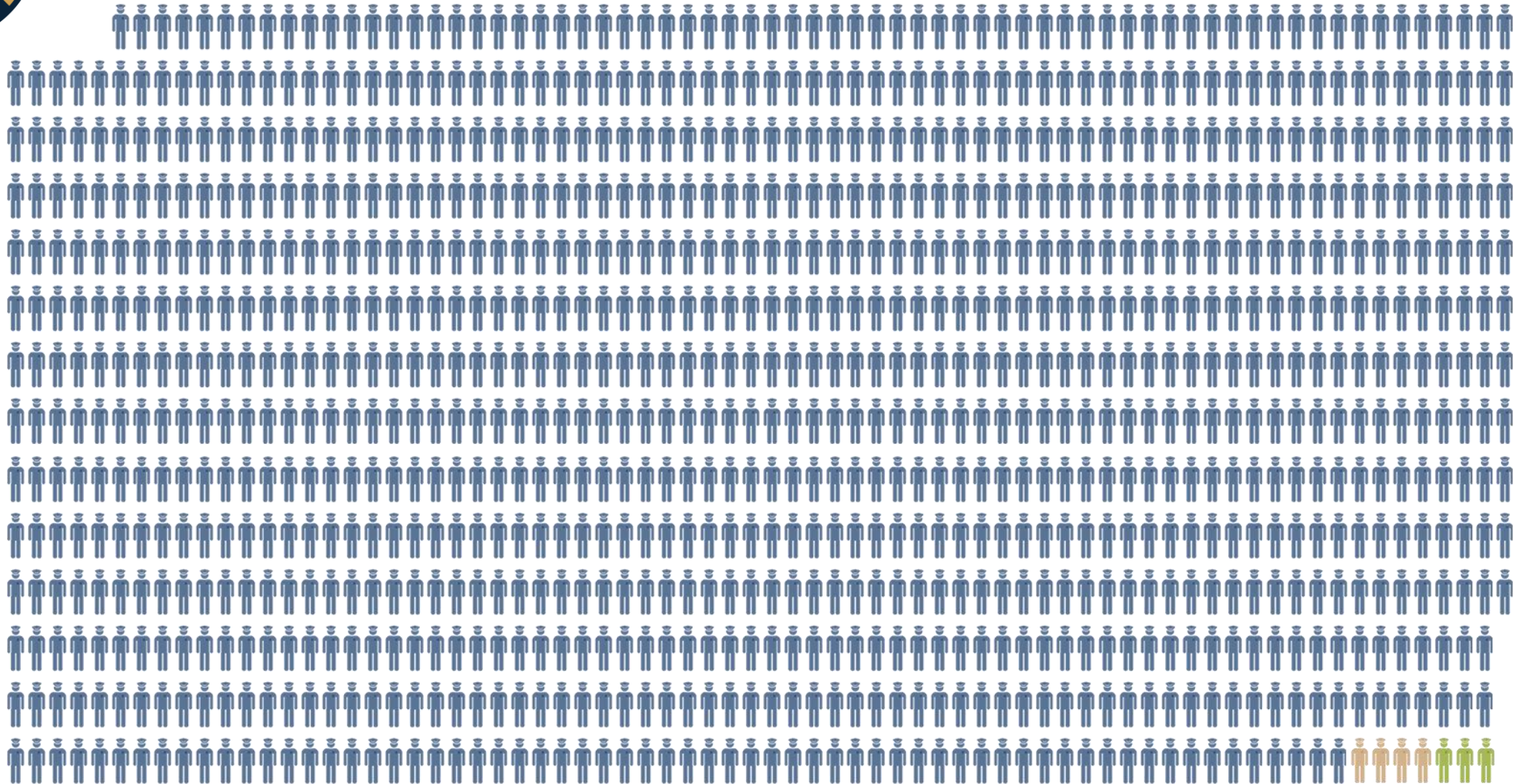
**Misunderstanding scope**

**New meaning since 2019**

**Bargaining Interference**



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Misunderstanding scope

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"... deserve a a discipline system that is fair, **predictable, and consistent.** That is not the case with our current labor arbitration system – outcomes are unpredictable..."

**99.4%**

Federal criminal convictions upheld **94.4%**  
*(Nelson Mullins Riley & Scarborough, 2016.)*

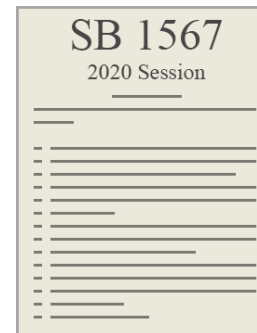
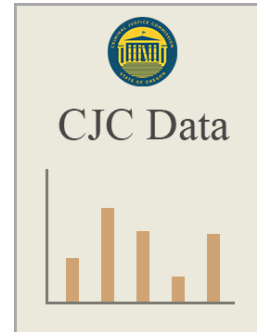
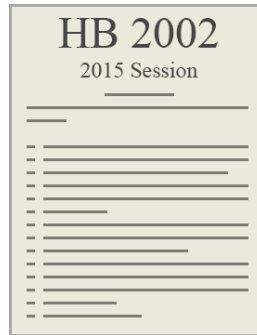
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**X** Misunderstanding scope

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23 agreement with the exclusive representative of its employees providing that a labor dispute over  
24 conditions and terms of a contract may be resolved through binding arbitration.

25 **(3) Notwithstanding subsection (1) of this section, when an arbitration proceeding in-**  
26 **volves alleged misconduct by a sworn public employee of any law enforcement agency and**  
1 **the arbitrator makes a finding that misconduct has occurred consistent with the law**  
2 **enforcement agency's finding of misconduct, the arbitration award may not order any disci-**  
3 **plinary action that differs from the disciplinary action imposed by the agency, if the disci-**  
4 **plinary action imposed by the agency is consistent with the provisions of a discipline guide**  
5 **or discipline matrix adopted by the agency as a result of collective bargaining and incorpo-**  
6 **rated into the agency's disciplinary policies.**

7 [(3)] (4) In an arbitration proceeding under this section, the arbitrators, or a majority of the  
8 arbitrators, may:

9 (a) Issue subpoenas on their own motion or at the request of a party to the proceeding to:

10 (A) Compel the attendance of a witness properly served by either party and



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Portland Police Bureau Discipline Guide

Refer to category description when determining the severity of the violation for directives that fall in multiple categories.

Categories and Descriptions Examples noted (but not limited to)		Mitigated	Presumptive	Aggravated
<b>CATEGORY A: Conduct that has or may have a minimal negative impact on operations or professional image of PPB.</b> Failure to provide name, badge, card Use of profanity Failure to write a report	1st violation in 1 Year		CC	LOR
	2nd violation in 1 Year	CC	LOR	One Day SWOP
			One Day	Two Day

CITY OF PORTLAND  
POLICE BUREAU

Categories and Descriptions Examples noted (but not limited to)		Mitigated	Presumptive	Aggravated
<b>CATEGORY A: Conduct that has or may have a minimal negative impact on operations or professional image of PPB.</b> Failure to provide name, badge, card <u>Use of profanity</u> Failure to write a report Failure to appear in court Minor deviation from policy resulting in vehicle crash Rude or dismissive behavior/language	1st violation in 1 Year		CC	LOR
	2nd violation in 1 Year	CC	LOR	One Day SWOP
	3rd violation in 1 Year	LOR	One Day SWOP	Two Day SWOP

Deviation from policy resulting in injury	3rd violation in 3 Years	SWOP	SWOP	SWOP
Deviation from vehicle pursuit policy				
Deviation from confrontation management performance policy				
Deviation from search and seizure policy				
Offensive or discriminatory language (Example: Epithets)				
<b>CATEGORY D: Conduct substantially contrary to the values of the PPB or that substantially interferes with its mission, operations or professional image, or that involves a serious risk to officer or public safety, or intentionally violates bureau policy.</b>	1st violation in 5 Years	One Day SWOP	Two Day SWOP	One Workweek SWOP
	2nd violation	Two Day	One Workweek	Two Workweek



**X** Misunderstanding scope

New meaning since 2019

Bargaining Interference





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## SB 1567 enables “Selective Enforcement”

“There is no difference between worker rights and civil rights.”

— Derrick Johnson



Misunderstanding scope

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## City of Portland position per testimony from labor arbitration hearing January 27-28, 2020

The existing Discipline Guide is considered **“collectively bargained”** and **“incorporated into the City’s policies”** for purposes of arbitration.

Refer to category descri

Extra

**CATEGORY A: Conduct that**  
**operations or professional**

Failure to provide nar

Use of profanity

Failure to write a rep

Failure to appear in court

Minor deviation from policy resulting in vehicle

Rude or dismissive behavior/language

**CATEGORY B: Conduct that has or may have a negati**  
**professional image of PPB; or that negatively impacts**  
**officers, agencies or the public.**

Deviation from policy resulting in vehicle crash

Failure to warn (prior to use of force)

Improper control hold

Minor deviation from vehicle pursuit policy

Failure to write an ORS mandated report

Minor deviation from confrontation manage

Minor deviation from search and seizure poli

Deviation from policy resulting in N/D of Less

**CATEGORY C: Conduct that involves a risk to safety**  
**pronounced negative impact on the operations of**  
**department, or on relationships with other officer**

Significant deviation from policy resulting in

Disclosure of confidential information

Significant deviation from policy resulting in

Failure to adhere to ORS mandated arrest

Minor deviation from use of physical force

Deviation from policy resulting in N/D of F/A

Deviation from vehicle pursuit policy

Deviation from confrontation management performance policy

Deviation from search and seizure policy

Offensive or discriminatory language (Example: Epithets)

**CATEGORY D: Conduct substantially contrary to the values of the PPB or that**  
**substantially interferes with its mission, operations or professional image, or**  
**that involves a serious risk to officer or public safety, or intentionally violates**  
**bureau policy.**

Disparate treatment

Deviation from use of physical force policy

Deviation from vehicle pursuit policy

3rd violation in 3 Years	SWOP	SWOP	SWOP
1st violation in 5 Years	One Day SWOP	Two Day SWOP	One Workweek SWOP
2nd violation in 5 Years	Two Day SWOP	One Workweek SWOP	Two Workweek SWOP
	One	Two	Three



Misunderstanding scope



New meaning since 2019

Bargaining Interference



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243.672 (1) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

...

(e) Refuse to bargain collectively **in good faith** with the exclusive representative.



Misunderstanding scope



New meaning since 2019

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VIA EMAIL

February 5, 2020

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RE: Subverting the PECBA Bargaining Process

**"... the City is actively trying to evade its bargaining obligations at the local level by running down to Salem with the hope that the State Legislature will do the City's collective bargaining bidding."**

level by running down to Salem with the hope that the State Legislature will do the City's collective bargaining bidding.

That reeks of bad faith bargaining, is an unfair labor practice, and must stop.

Sincerely,

Anil S. Karia

Copy: PPA  
ORCOPS



Misunderstanding scope



New meaning since 2019



Bargaining Interference



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## Bargaining Counterproposal:

- ✓ Amend SB 1567 to clarify arbitrator's ability to apply mitigating factors
- ✓ **28%** wage increase for all affected units statewide, phased in over 4 years

✗ Misunderstanding scope

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✗ Bargaining Interference



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Prepared for  
**Oregon Coalition of Police and Sheriffs**  
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