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Senate Labor Committee SB 588 Testimony

Dash -1 Amendment

Thank you, Mr. Chair and members of the Committee. For the record, I am Mary Botkin, and I am here today representing the international Longshore Workers Union (ILWU). I want to thank Legislative Counsel Chris Allnett for his assistance in getting the proposed amendment drafted. I also want to acknowledge the work of Senator Taylor allowing more workers to qualify for sick leave without the fear of losing their current employment. This is long overdue for workers not currently protected. Having said that, I am here today to ask that you adopt the -1 amendments to SB 588. This amendment exempts the ILWU members working in Oregon Ports and covered by the current ILWU Collective Bargaining Agreement (CBA) from this statute for a few very simple reasons.

By way of a brief explanation, the Pacific Maritime Association (or PMA) is an employer association of approximately 70 member companies who are among the world's leading cargo carriers, terminal operators, and stevedores. Together the PMA and the ILWU provide services to the 29 West Coast Ports from Seattle to San Diego keeping them open and working. Our Collective Bargaining Agreement (or CBA) covers the Longshore Workers at all these ports. The -1 Amendment is a narrow request that will only cover ILWU longshore workers in Oregon. Our amendment reflects the unique and powerful position the ILWU holds at the bargaining table with our employers. Together we have immense power to shape the economics of thousands of individual men and

WOMEN working in/on the 29 West Coast Docks. We have a strong working relationship with the employers and shipping customers who utilize these services on a daily basis. We have decades of experience working with our PMA employers under a mutually favorable Collective Bargaining Agreements. Our amendment also reflects the fact that we are not a traditional workforce; rather, our work is "casual in nature". This means that an individual worker can decide what days and on what shift he/she prefers to work. This flexible work environment comes with the freedom for our members to choose when they want to work and when they choose to use paid leave time. Simply stated, traditional sick leave laws don't fit in our context, and they make it harder for us to bargain for contract provisions and benefits that do fit in our context, including exceptional working-class wages, generous health and welfare benefits, and vacation and paid leave that individuals can use how they see fit throughout the year. We absolutely support workers who need this protection. However, we fear that by not exempting ILWU workers in Oregon Ports the future bargaining of proposals that ILWU workers ask us to negotiate at the bargaining table will be in jeopardy. In fact, we are very concerned that if this legislation passes as written we could be forced to face legal issues about whether our current collective bargaining agreement is in fact in compliance with this new state law. This could jeopardize the current congenial working environment we enjoy at all the Ports in Oregon.

This is why we are asking that you adopt the dash 1 amendment to SB 588 and pass the bill to the floor for passage and back to the Senate for concurrence.

SB 588-1
(LC 3048)
2/22/21 (JAS/cpa/ps)

Requested by SENATE COMMITTEE ON LABOR AND BUSINESS

**PROPOSED AMENDMENTS TO
SENATE BILL 588**

1 On page 2 of the printed bill, after line 6 insert:

2 “(3) The requirements of ORS 653.601 to 653.661 do not apply to an em-
3 ployee:

4 “(a) Who is employed as a longshore worker;

5 “(b) Who is employed through a hiring hall or similar referral system
6 operated by the labor organization or a third party;

7 “(c) Whose terms and conditions of employment are covered by a collec-
8 tive bargaining agreement; and

9 “(d) Whose employment-related benefits are provided by a joint
10 multiemployer-employee trust or benefit plan.”.

11 In line 7, delete “(3)(a)” and insert “(4)(a)”.

12 In line 16, delete “(4)” and insert “(5)”.

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