



HOUSE OF REPRESENTATIVES

June 26, 2020

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building, H271
Salem, OR 97301

RE: Vote Explanation on Senate Bill 1604

Dear Chief Clerk Sekerak,

Please accept this vote explanation for SB 1604. First, I would like to thank Senator Lew Frederick for his work on this bill and willingness to engage with me to help me understand it. I write to clarify my understanding of the process for establishing a disciplinary guide or matrix for police agencies. Of course, our hope is that agencies and their officers will bargain in good faith and establish these documents collaboratively. However, in the event that does not occur, the Legislative Counsel provided the following explanation of what happens.

“[I]n the event that the parties do not reach an agreement regarding a mandatory subject of bargaining, such as the discipline guide or matrix, the parties may engage in a mediation process to address the unresolved mandatory subjects. If, after mediation, the parties have not yet reached agreement, ORS 243.742 requires the parties to initiate the binding interest arbitration process described in ORS 243.746.

The binding arbitration process is compulsory for strike-prohibited employees such as law enforcement officers. During that process, a neutral arbitrator conducts hearings, reviews the parties’ last best offers and selects a last-best-offer proposal, resulting in the terms for a new collective bargaining agreement. If the arbitrator’s decision is “supported by competent, material and substantial evidence on the whole record, based upon the factors set forth in ORS 243.746 (4), [the decision] shall be final and binding upon the parties . . . [and] [r]efusal or failure to comply with any provision of a final and binding arbitration award is an unfair labor practice.” Thus, the collective bargaining process provides procedural safeguards to ensure that public employers and labor organizations continue to meet the obligation to enter into written and signed contracts that evidence agreements resulting from bargaining negotiations even in the case of an impasse. Accordingly, the collective bargaining agreement resulting from the interest arbitration process must include the discipline guide or matrix agreed upon during that process.



I supported the bill with the understanding that disciplinary guides and matrices would not be unilaterally imposed by management, but rather established collaboratively or through the process outlined above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall L. Wilde". The signature is written in a cursive, flowing style.

Marty Wilde, State Representative, District 11