

2020 CONTRACT

How bargaining works: Oregon State Law

Generally there are four factors which influence the course of contract bargaining between Metro and AFSCME Local 3580:

- State public employee statutes and Oregon Employment Relations Board (ERB) decisions
- Existing contract language – see reverse
- Local 3580 policies and Executive Board resolutions or direction
- Agreements about bargaining between Metro and AFSCME Local 3580

Oregon Statutes

State law covers who should be represented by a union and who is not eligible for union representation and sets out a list of Unfair Labor Practices (ULPs) which governs the parties' conduct during negotiations – and there are several dozen ERB decisions that attempt to clarify what that means in practice.

For example, state law requires both parties to bargain in good faith and prohibits employers from dealing directly with members and bypassing the union.

State law also determines what must be bargained:

Mandatory subjects: What must be bargained. Defined as including (but not limited to) matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures, and other conditions of employment.

Permissive subjects: What may be bargained if both parties agree. Generally speaking these are management rights such as operating hours, uniform standards and criteria for performance evaluation. Employers and unions may voluntarily bargain over permissive subjects but are not required by law to do so. If there is a dispute about whether or not a proposal is a mandatory or permissive subject, that dispute is resolved by ERB.

Prohibited subjects: What may not be bargained. A prohibited subject is one that requires either party to perform an illegal act or perform an act that is contrary to any statutory or constitutional provision.

Timelines

State law also places limits on the length of bargaining required. See handout on PECBA bargaining timelines.