

Legislative Director's Report – September 2008

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1. Forum with BOLI Commissioner Brad Avakian

I attended a Salem Chamber of Commerce forum with Brad Avakian, the new Commissioner of BOLI. He recently replaced Dan Gardner as BOLI commissioner.

Avakian made considerable effort in the presentation to distance himself from the policies of Dan Gardner. His comments were somewhat critical of Gardner. In particular, Avakian indicated that he wanted to reach out more to the business community and make the Bureau more welcoming to employers. As you may know, Gardner was quite union-focused and had regular monthly meetings with the unions. In addition to speaking to the Salem Chamber group, I am aware that Avakian has spoken to Associated Oregon Industries and other employer groups.

Dan Gardner was quite focused on prevailing wage issues. That will be less of a focus for Avakian. The majority of Avakian's energies in the short-term are going to be focused on workforce readiness and vocational education. For the 2009 session, Avakian indicated that there will not be much of a focus on changing existing law. Rather, almost all of the legislative efforts of BOLI will be concentrated on workforce readiness issues.

Avakian was asked specifically about paid family leave. He indicated that he supported the concept and would have voted in favor of it. However, he indicated that BOLI would not be taking the lead on that issue in the 2009 session.

I discussed SHRM with Commissioner Avakian. It was clear to me that he had never heard of the organization. I explained that the group is bi-partisan and is focused on how to make the workplace run better. I suggested that the organization could be a resource on HR issues if the Bureau wished to get input on how policies might affect the workplace. Avakian appeared to have little interest in dialog with SHRM nor any interest in getting to know more about SHRM.

I will continue to work on promoting SHRM's visibility in this regard and will seek the assistance of the folks in Washington to help with that effort too.

2. Evaluation of a Lobbyist for SHRM

I have not been able to locate and confirm costs with regard to a lobbyist who would be effective in assisting our organization. I will continue to work on that.

3. Likely Issues in 2009 Legislative Session

Among others, it appears that the following employment-related issues are likely to be considered during the 2009 legislative session:

1. **Card Check** legislation allowing a union to avoid the election process if a sufficient number of employees sign cards authorizing the union to represent them. The biggest concern with the card-check system is that it subjects employees to coercion that they would not experience in a secret ballot election process.
2. **Paid Family Leave**, which would allow some portion of an employee's family leave to be paid, possibly through a tax-supported fund or an employer mandate.
3. **Medical marijuana** legislation, which could add needed clarity as to an employer's duty to accommodate off-duty marijuana use.
4. **"Captive audience"** legislation, which would prohibit an employer from mandating attendance or communication of any kind with employees concerning a union organizing campaign.
5. **Public funds for "union busting"** legislation, to prohibit an employer from using any state funds towards anti-union activities.

Attached to this report is a questionnaire submitted to Oregon legislators by SEIU, which provides further information about the agenda for organized labor going into this legislative session.

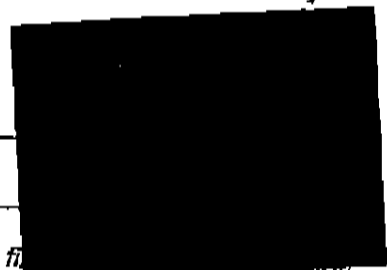
End of Report



SEIU CAPE LEGISLATIVE CANDIDATE 2008 QUESTIONNAIRE

OFFICE SOUGHT _____ DISTRICT _____

CANDIDATE NAME _____



You will receive a copy of this questionnaire over e-mail if you would like to file. If you do not receive it electronically and would like it over e-mail please contact Armanda Basom at basoma@opeuseiu.org. If you have questions regarding issues raised in this questionnaire, please contact Melissa Unger at ungerm@opeuseiu.org or 503-799-2937. Please return questionnaire by January 9, 2007.

1. A VOICE ON THE JOB

Workers benefit greatly from a unionized workplace in which they can earn living wages, have family benefits and have a voice on the job. Federal labor law is stacked against workers who try to form a union. Employers can create hostile environments to discourage their employees from joining a union and can create an environment where employees do not have real freedom to choose a voice at work. Employers' anti-union campaigns are even more troubling when employers use public tax dollars to run anti-union campaigns. In addition, once workers have voted to form a union, 50% of newly organized workers fail to complete bargaining their first contract due to employers' resistance to bargaining in good faith.

Will you join us in speaking out publicly against employers who interfere with workers' efforts to organize themselves into unions? YES NO

What have you specifically done as an individual, elected official or community leader to support workers in their right to organize?

2. NO PUBLIC FUNDS FOR UNION BUSTING

Many employers engage in activities that discourage their workers from joining a union. Some of these employers receive public funding or tax breaks that ultimately subsidize their efforts to discourage workers' choice to unionize. In 2007, the House passed HB 2892, which would have prohibited the use of taxpayer funds to interfere with workers' right to choose a union.

Would you support legislation that requires employers who receive public money to be neutral when their employees seek a voice at work through unionization? YES NO

3. STANDING UP FOR WORKERS' RIGHTS

Will you write letters to specific employers / public officials who interfere with workers' efforts to organize? YES NO

Will you place phone calls to specific employers / public officials who interfere with workers' efforts to organize? YES NO

Will you write letters to specific employers / public officials who interfere with workers' efforts to settle fair contracts? YES NO

Will you place phone calls to specific employers / public officials who are interfering with workers' efforts to settle fair contracts? YES NO

Will you join workers at rallies, marches, press conferences, on picket lines and other actions for workers rights? YES NO

Will you meet with SEIU members from your district during and outside of legislative session? YES NO

Will you fight for proper enforcement of current labor laws? YES NO

Will you work to pass laws that expand bargaining rights for workers in Oregon? YES NO

4. WORKERS' VOICE IN POLITICS

In 1998 and 2000, initiatives were on the ballot to take union members out of the political process. A similar measure nearly reached the ballot in 2002 and a couple of initiatives have been filed for 2008. These measures, if passed, would make it virtually impossible for workers to engage through their unions in basic political activities such as campaigning about issues important to them our members.

Will you actively and publicly oppose any legislative, initiative or other efforts that would restrict the rights of union members to participate in political and legislative activity? YES NO

Initiative 25 would effectively prevent public employee union members from being engaged in the political process, similar to initiatives that Oregonians voted down in 1998 and 2000.

Will you actively work with the union to defeat initiative 25 if it is on the ballot? YES NO:

5. HEALTH CARE

SEIU members are deeply concerned with the rising costs of healthcare. Oregon is now the second most expensive state to spend a day in the hospital. Many of Oregon's large hospitals have margins exceeding the national average by over 5%. More than 600,000 Oregonians have no health insurance and that number is growing every year. During last session we helped to pass a bill to establish framework for universal health care and set up the Oregon Health Trust Board charged with bringing a plan forward to the 2009 Legislature. It is clear that whatever proposal comes from the Board, the 2009 Legislature will have the opportunity to finalize the plan to meet its goals for health care.

Will you support a universal health care plan in 2009 that ensures that all Oregonians have health insurance, including the most vulnerable in our society, such as children, elderly and low-income Oregonians? YES NO

Will you support a plan that will make health care affordable for all Oregonians, so that payments for health care, whether in the form of additional taxes, premiums, deductibles or co-pays, are not more than is affordable given the individual's income? YES NO

We support a health care system for Oregon that is fairly paid for by individuals, employers, and government. Will you work for a plan that has an employer standard by requiring that employers either provide at least a standard plan for employees or pay into a pool to ensure that their employees have accessible and affordable health care? YES NO

Health care costs have been skyrocketing for Oregonians, while the health care industry has continued to profit. A health care plan must look at cost-containment as principle of ensuring long-term access to health care. Will you commit to supporting a plan that has a cost-containment component that will bring Oregon closer to international norms for health care spending and population health status? YES NO

Hospital expansion is currently a multi-million dollar business and is part of the increased costs of healthcare. The state has a Certificate of Need process to review expensive hospital expansion plans since our premium dollars and our tax dollars are used to pay for these expansions. Currently the state of Oregon's Certificate of Need Process does not take into account community need or issues of over-bedding in specific areas. This means that some communities may have expensive and redundant hospital services while residents in other parts of the state have very limited access to quality hospital care. It also does not account for closures of hospitals or the sale of assets.

Would you support legislation to expand the state's certificate of need process? YES NO

Would you support legislation to force hospitals to justify their rate increases before a Public Utility Commission-style rate setting board? YES NO

Hospitals charge uninsured customers far more than they charge insured Oregonians. Normally, the uninsured are those who earn too much to qualify for the Oregon Health Plan, but not enough to be able to afford health insurance. Most uninsured Oregonians have someone in their household who works.

Would you support legislation to prohibit hospitals from charging the uninsured more than the insured, similar to HB 3088 that passed the Oregon House in 2007?
 YES NO

6. PRIVATIZATION – RESPONSIBLE CONTRACTOR LEGISLATION

SEIU generally opposes the contracting out or privatization of public services. Where exceptions are made for short-term projects or specialized work, we support standards that maintain public control and contractor accountability, guarantee fair wages and benefits for employees and do not undermine quality.

What is your position on privatization of public services and responsible contractor laws?

Would you oppose contracting state of Oregon jobs out of state? YES NO

There are times when the Legislature adequately funds state agencies to do projects but does not give them the authority to fill positions to carry out the projects. In these situations, agencies are forced to contract the work to an outside agency – even if it is more expensive – because they do not have the authority to hire the needed positions to do the work.

Would you support increasing agency's position authority in order for them to do their work in-house instead of contracting out? YES NO

Would you support stricter oversight of corporations and non-profits that the state contracts with, ensuring that they are following state laws, meeting the expectations of the contract, and serving the public good? YES NO

A bill was introduced in 2007, called Contractor Sunshine Legislation, HB 3366, that would have created a statewide database of all the companies the state contracts with to ensure that the public and elected officials have adequate information and transparency regarding the state's contracts. Would you support Contractor Sunshine Legislation in 2009? YES NO

7. FUNDING FOR PUBLIC SERVICES; TAX LOOPHOLES; SPENDING LIMITS

During the 2007 session, legislators made gains in funding for critical services such as K-12, higher education, and corrections to stabilize state agencies. Funding from the 2007 session was the first step in adding back the services that were slashed during the recent economic recession. But, there is still work to be done, thousands of people have not been added back to the Oregon Health Plan, Oregon still ranks among the last in the country in funding for higher education, and caseloads and workloads for social service providers put seniors and abused and neglected kids at risk. While legislators kept the corporate kicker for one biennium to fund the rainy day fund, they have not found a permanent source for the rainy day fund.

Would you support an increase in the Oregon corporate minimum income tax which is currently \$10/year? YES NO

Levels of corporate income are notoriously difficult to predict two years in advance. This means that a moderate uptick in the economy causes the corporate kicker to kick. Any downturn means a cut to state services. Would you support repealing the corporate kicker to enhance the state's rainy day fund? YES NO

Tax loopholes are growing faster than Oregon's State revenue. For every \$1 levied, 58¢ is returned in tax breaks, and only 42¢ goes to funding programs. (For personal income tax Oregon returns 45¢ per \$1, and for corporate income tax Oregon returns 55¢ per \$1) Tax breaks can help our economy by promoting public education, fighting poverty, making housing affordable, or creating good jobs. While many of Oregon's 350 tax loopholes clearly serve Oregonians, 174 have no discernable public purpose. Small changes to our tax system could help increase Oregon's revenue.

Would you support a requirement that the legislature explains how all new tax breaks will be paid for at the time of enactment? YES NO

There have been proposals to tax capital gains at a lower rate than wages people earn by going to work everyday. Would you oppose proposals to tax working families' wages at a higher rate than income made by those who play the stock market? YES NO

There is an initiative being circulated by Bill Sizemore (Initiative #3) that if passed would change the state tax code. Under the measure, individuals could fully deduct their federal taxes from their state taxes. The measure would could have an impact of \$2 billion on the state budget, if it passes. Like so many other revenue-killing measures of the last decade, it will mean big cuts to education, health care and public safety. Meanwhile the average Oregonian will get only a very small tax relief.

Do you oppose Initiative 3? YES NO

Will you actively work with voters so they know the detrimental impacts of Initiative 3? YES NO

What are the two state services that are highest priorities for you and why?

8. SAFETY FOR WORKERS AND SENIORS

Oregon provides care for poor seniors and for people with disabilities in a variety of settings. Unlike many states that send most of these citizens to nursing homes, Oregon emphasizes in-home care for the elderly. In-home caregivers allow frail Oregonians to live independently and with dignity in their own homes. Oregon also has a large number of adult foster homes in which seniors and people with disabilities can live in a home-like setting while getting the care and support they need. Care providers that open up their home to seniors and the disabled provide a living arrangement that provides for a high level of personal attention in a home-like environment. Both-home care and adult foster care are much cheaper for the state than nursing home care.

Because of a lack of training, low wages and benefits, and a lack of a career ladder, there is very high turnover among people that provide care for the elderly and the disabled. This turnover often leaves people without care as they look for new caregivers. High turnover creates an ever changing community of caregivers that need new training and orientation, and it leaves the clients without the personal relationship that in-home care provides. Increasing training and ensuring that caregivers can make a living wage would greatly increase the level and consistency of care Oregon provides to seniors and the disabled.

Oregonians that open their homes and care for seniors and disabled provide a critical service to the state, but can barely afford their own health insurance or provide their employees with benefits because they do not receive adequate compensation or benefits for the state. Adult foster care workers are on duty 24 hours a day and can't afford to take time off. These workers have come together to work for a fair wage, adequate benefits, and the ability to take a day off. In addition the home reimbursement rate is not enough to allow many dedicated workers to use their home to care for others.

Do you support providing additional financial resources for adult foster care providers so they can get training and fair wage and benefits? YES NO

In-home caregivers go through trainings and are starting to stay with the job for longer periods, but they are offered no retirement or security once they stop providing care. Often times this leads caregivers to continue to care for clients significantly past retirement age because they don't have the resources to retire themselves or leave the profession to find a job with more stability

Do you support setting up a retirement option for In-home caregivers that provide services for the state? YES NO

9. CHILD CARE

There are more than 6,000, in-home, state-listed child care providers in Oregon who provide care for low-income children. These are children of low-wage working parents who receive a subsidy from the state to pay for day care through a program called Employment Related Day Care (ERDC) through the state.

After childcare workers received bargaining rights, they received their first raise in over seven years, but the workforce is still underpaid, with not benefits, and is suffering from McDonald's style turnover. The community who care for thousands of children in Oregon do not have the training, benefits or wages that will provide the retention that is needed. The lack of training greatly impacts the care that workers can provide and their ability to remain in the job.

Do you support providing health care benefits for childcare workers? YES NO

Do you support funding a training program for childcare workers? YES NO

10. IMMIGRATION & CIVIL RIGHTS

SEIU supports promoting a pathway to citizenship for undocumented workers. We are also members of the "181 Coalition" in support of preserving ORS 181.575 (prohibiting law enforcement from collecting and maintaining files on people's religious, political and associational activities if they are not suspected of any criminal activity) and ORS 181.850 (prohibiting local law enforcement from using resources to apprehend people whose only offense is a federal immigration violation – it does not prohibit law enforcement from notifying INS if they have apprehended someone for criminal activity). Our goal is to preserve these laws because they encourage effective law enforcement and protect the rights of everyone who lives in Oregon.

Will you support retaining Oregon's so-called "181 laws" that prohibit local law enforcement from acting as INS agents? YES NO

By definition, undocumented workers work and pay taxes. Would you oppose efforts to deny services like emergency health care and education to undocumented workers and their children? YES NO

Some would claim that the primary remedy to the shortfall in funding for human services would be to deny benefits to undocumented workers. Others would claim that the primary remedy would be to require corporate Oregon to pay their fair share of taxes. Which is closer to your point of view?
 deny benefits to undocumented workers
 require corporate Oregon to pay their fair share of taxes

Many initiatives have been filed regarding immigration, including initiative 112, which is a catch all for anti-immigration laws. It would require citizenship for specified state rights and privileges, and greatly limit people's ability to register to vote by requiring proof of citizenship upon registration. This law would not only impact the immigrant community but also the ability to engage all people in the democratic process.

Do you oppose initiative 112? YES NO

11. ADVOCATING FOR PUBLIC SERVICES

Rhetoric from anti-public services organizations has put public employees on the defensive. Oregonians rely on a wide array of public services to maintain our roads and forests, educate our children, protect our most vulnerable residents, and to keep our communities safe and healthy. In order to restore public confidence for adequate funding of public services, it will be necessary to change public perception. SEIU looks to elected officials to take leadership in improving public opinion about the need for quality public services.

Are you willing to work with our members to promote the value of public services? YES NO

Frontline workers have many ideas for how to streamline their work, prioritize services, and best serve Oregonians. For instance motor carriers brought forward a bill to keep unsafe overweight trucks off the roads by giving workers the right to pull over trucks that don't follow laws.

Would you prioritize stories and issues of frontline workers the same as you would the head of an agency? YES NO

12. ECONOMIC FAIRNESS OUTSIDE THE WORKPLACE

The 2007 Legislature set a standard when it came to protecting workers by passing a cap on payday loans and a package of bills to stop predatory lenders from taking advantage of low-income Oregonians. We know that over the next 18 months, more than 15,000 Oregon homeowners will face severe monthly payment increases as their adjustable rate mortgages reset to permanently higher rates. Unless action is taken, more Oregon homeowners risk foreclosure and the loss of housing wealth. Federal regulators have responded to the crisis by strengthening basic lending standards. However, more than half of subprime loans are made by state regulated lenders.

Do you support strengthening Oregon's mortgage lending laws and banning predatory lending practices? YES NO

13. EQUAL RIGHTS

In 2007, the Legislature passed historical legislation allowing basic rights for all Oregonians. They passed a bill ensuring that sexual orientation and gender identity is included in Oregon's non-discrimination laws, protecting people's rights in employment, housing and public accommodations. Including sexual orientation and gender identity into Oregon's non-discrimination ends a 25 year debate on the issue. In addition, the Legislature passed a bill that creates domestic partnerships, ensuring that all couples have the rights to be recognized under the law, regardless of their sexual orientation.

Will you commit to protect and/or maintain Oregon's non-discrimination law, prohibiting discrimination on the basis of sexual orientation and/or gender identity in employment, housing, and public accommodations? YES NO

Will you commit to protect and/or maintain Oregon's domestic partnership law? YES NO

14. PERS AND CONTRACT RIGHTS

One of the core principles of organized labor is the sanctity of contract rights. Workers take great risks to join a union and win a collective bargaining agreement—a written, binding agreement between the employer and union members about work rules, wages and benefits, promotions, discipline, and overall working conditions. A main part of our work is to defend the contracts between workers and their employers - whether written or implied - against attempts to undermine them.

Many current public employees gave up raises over the years and have seen hard-fought retirement benefits go by the wayside. Proposals may well come before the 2009 legislature that threaten the retirement security of these mid-career employees.

In 2003, the Oregon legislature voted to violate the contract rights of public employees in its effort to revamp the Public Employee Retirement System. The legislature changed the rules for workers who had already made retirement decisions. Employees made their life decisions based on a mutually agreed-to arrangement about the nature of the retirement benefits. Retirees agreed to forgo years of pay increases to protect these retirement benefits, and did not have a realistic opportunity to return to work.

The State Supreme Court has ruled on this matter. Many elderly Oregonians are being required to return some funds that they have been paid, and are having to change their retirement plans even though they may have been retired for several years, and do not have a job to go back to.

Newly hired public employees are under a retirement system that will provide greatly reduced benefits upon retirement.

Do you see the need to make more substantial reform to the Public Employee Retirement System?
___ YES ___ NO

If yes, please outline your ideas:

Would you oppose legislation that would reduce benefits to current employees? ___ YES ___ NO

Candidate Signature

Date:

PLEASE RETURN COMPLETED QUESTIONNAIRE BY JANUARY 9, 2007 TO:

Amanda Basom, SEIU LOCAL 503
6401 SE Foster Road, Portland OR 97206
Phone: 503-408-4090 ext. 469 Fax:503-408-4099
basoma@opeuseiu.org

If you have questions regarding the questions or content of the questionnaire, please contact Melissa Unger at 503-799-2937 or ungerm@opeuseiu.org.

OTHER CANDIDATE INFORMATION

District~Seat [sought]

Office [sought]

PAC Id #

First Name

Last Name

Party

Committee Name

camp address 1

camp address 2

camp city

camp zip

camp phone

camp fax

camp mngr

camp mngr phone

camp website

camp email

cell phone

Home Address

home city

home zip

Home Phone

occupation

Work address 1

Work address 2

Work City

Work zip

Work Phone

Work email

anticipated budget

money raised

previous campaigns

offices held prior

campaign issues

other
endorsers