

**S M I T H  
D I A M O N D  
& O L N E Y  
ATTORNEYS AT LAW**

Barbara J. Diamond  
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January 27, 2005

**VIA FACSIMILE (503) 373-7414  
AND REGULAR MAIL**

John Lindback  
Director of Elections  
Office of the Secretary of State  
141 State Capitol  
Salem, Oregon 97310-0722

Re: Initiative Petition 10 (2006) – Draft Ballot Title Comments  
Our File No. 328

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SECRETARY OF THE STATE

Dear Mr. Lindback:

This firm represents Kris Kain, an Oregon elector and President of the Oregon Education Association, and Chip Terhune, an Oregon elector and Assistant Executive Director for Public Affairs for the Oregon Education Association. We write in response to your News Release dated January 13, 2005 which invites comments to the draft ballot title for Initiative Petition 10 (2006).

1. INTRODUCTION

IP 10 (2006) is a statutory proposal to abolish public sector collective bargaining in Oregon. It prevents a public entity from either recognizing a public employee union or association as the representative of its employees or in any manner dealing with an employees' union or association regarding employment relations. This includes both classic collective bargaining and the more informal resolution of "employment related grievances." Finally, it bans payroll deduction. It is virtually identical to IP 116 (2004) and the draft ballot title appropriately tracks that certified for the earlier initiative.



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2. CAPTION AND RESULT STATEMENTS

The draft ballot title generally does a good job of describing the proposal in straightforward and understandable terms. However, we propose three changes. First, the term “grievance” should be replaced by “employment disputes.” The proposal itself refers to “employment-related grievances.” Also, “grievance” is a term of art in labor law that usually refers to disputes over the meaning of a provision in a collective bargaining agreement. Here, the proposal prohibits associations from attempting to resolve any employment-related dispute, regardless of whether it is part of a collective bargaining agreement or not. The ballot title should use more generic language to communicate the scope of the proposal. We propose the following alternative to the draft caption and result statements:

**ELIMINATES PUBLIC EMPLOYEES’ RIGHT TO FORM UNIONS, ASSOCIATIONS TO COLLECTIVELY BARGAIN, RESOLVE DISPUTES WITH EMPLOYER.**

**RESULT OF “YES” VOTE: “Yes” vote eliminates right of public employees to form unions, associations to represent them in collective bargaining and in resolving employment disputes with their employers.**

**RESULT OF “NO” VOTE: “No” vote retains law giving public employees the right to be represented by unions, associations for collectively bargaining, resolving employment disputes with their employers.**

3. SUMMARY

The draft summary does a good job of describing the relevant current law and the impact of this measure. The only exception is in its description of the proposal’s limitation on union or association involvement in resolving employment related grievances. The draft summary implies that grievances only arise in the context of “contracts to resolve employment-related disputes.” But current law allows unions and associations to assist employees in resolving employment-related disputes that arise outside of a contractual context. IP 10 (2006) bars that assistance as well as the more classic contract grievance adjustments. The summary must reflect this fact. We propose the following:

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**SUMMARY: Current law gives public employees the right to form, join and participate in labor unions, associations of their choosing. Those labor organizations represent employees on matters concerning employment relations, including: compensation, hours, vacation, sick leave, and grievance procedures. Currently, public employers must negotiate with employees' chosen labor organization and enter into written agreements and must meet with labor organization to resolve employment-related disputes; a public employee may authorize payroll deductions, including union/association dues. Measure prohibits public employees from being represented by labor organizations for purposes of collective bargaining or resolving employment related disputes; prohibits payroll deductions for dues; prohibits employers from collective bargaining negotiations and agreements. Existing collective bargaining agreements remain valid, but measure prohibits extensions, changes and future agreements. Other provisions.**

Thank you for your careful consideration of these comments. Please send me a copy of the final ballot title once it is issued from your office.

Sincerely,

SMITH, DIAMOND & OLNEY

Margaret S. Olney

MSO/lck

cc: Mark Toledo  
Chip Terhune

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BILL BRADSHAW

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**Bill Sizemore**  
**24200 S. Highland Crest Drive**  
**P.O. Box 343**  
**Beavercreek, OR 97004**  
**Ph 503-803-5085**

January 21, 2005

Secretary of State  
Elections Division  
Room 141 State Capitol  
Salem, OR 97310

Dear Mr. Secretary:

As an Oregon elector, I am writing to offer my comments on the draft ballot title for initiative #10, which prohibits governments in Oregon from recognizing public employee unions.

I believe the draft ballot title falls to comply with ORS 250.035.

The initiative does not prohibit public employees from forming unions. It prohibits governments from recognizing or negotiating with them.

Sincerely,

Bill Sizemore

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SECRETARY OF THE STATE

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